
**PRELIMINARY DRAFT
No. 3157**

**PREPARED BY
LEGISLATIVE SERVICES AGENCY
2007 GENERAL ASSEMBLY**

DIGEST

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: Technical corrections. Proposed draft of technical corrections legislation for 2007 session.

Effective: Upon passage; January 1, 2007.



A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-27.2-4, AS AMENDED BY P.L.93-2006,
2 SECTION 1, AND AS AMENDED BY P.L.141-2006, SECTION 2, IS
3 CORRECTED AND AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 4. The commission shall do the
5 following:

6 (1) Develop a long range plan to stimulate further development of
7 cost effective, innovative models of community based services,
8 including recommendations that identify implementation
9 schedules, plans for resource development, and appropriate
10 regulatory changes.

11 (2) Review and make recommendations regarding any unmet
12 needs for mental retardation and developmental disability
13 services, including the following:

14 (A) Community residential and family support services.

15 (B) Services for aging families caring for their children who
16 are mentally retarded and developmentally disabled adults.

17 (C) Services for families in emergency or crisis situations.

18 (D) Services needed to move children and adults from nursing
19 homes and state hospitals to the community.

20 (3) Study and make recommendations for the state to use state
21 employees or contract with a private entity to manage and
22 implement home and community based services waivers under 42
23 U.S.C. 1396n(c).

24 (4) Study and make recommendations regarding state funding
25 needed to provide supplemental room and board costs for
26 individuals who otherwise qualify for residential services under
27 the home and community based services waivers.

28 (5) Monitor and recommend changes for improvements in the
29 implementation of home and community based services waivers
30 managed by the state or by a private entity.

31 (6) Review and make recommendations regarding the



implementation of the comprehensive plan prepared by the developmental disabilities task force established by P.L.245-1997, SECTION 1.

(7) Review and make recommendations regarding the development by the division of disability ~~aging~~, and rehabilitative services of a statewide plan to address quality assurance in community based services.

(8) Annually review the infants and toddlers with disabilities program established under *IC 12-12.7-2*. ~~*IC 12-17-15*~~.

SECTION 2. *IC 3-7-38.2-2*, AS AMENDED BY P.L.164-2006, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program conducted under this chapter must:

(1) be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);

(2) not result in the removal of the name of a person from the official list of ~~votes~~ voters solely due to the person's failure to vote; and

(3) be completed not later than ninety (90) days before a primary, general, or municipal election.

(b) A county voter registration office may conduct a voter list maintenance program that complies with subsection (a). In conducting a voter list maintenance program, the county voter registration office shall mail a notice described in subsection (d) to each registered voter at the residence address:

(1) listed in the voter's registration record; and

(2) determined by the county voter registration office not to be the voter's current residence address.

(c) A county voter registration office may use information only from the following sources to make the determination under subsection (b)(2):

(1) The United States Postal Service National Change of Address Service.

(2) A court regarding jury duty notices.

(3) The return of a mailing sent by the county voter registration office to all voters in the county.

(4) The bureau of motor vehicles concerning the surrender of a voter's Indiana license for the operation of a motor vehicle to another jurisdiction.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date by which the card must be returned or the voter's registration will become inactive until the information



1 is provided to the county voter registration office; and
 2 (C) permits the voter to provide the voter's current residence
 3 address.

4 (e) If a voter returns the card described in subsection (d)(2) and
 5 provides a current residence address that establishes that the voter
 6 resides:

7 (1) in the county, the county voter registration office shall update
 8 the voter's registration record; or

9 (2) outside the county, the county voter registration office shall
 10 cancel the voter's registration.

11 (f) If a voter does not return the card described in subsection (d)(2)
 12 by the date specified in subsection (d)(2)(B), the county voter
 13 registration office shall indicate in the voter's registration record that
 14 the voter's registration is inactive.

15 (g) A voter's registration that becomes inactive under subsection (f)
 16 remains in inactive status from the date described in subsection
 17 (d)(2)(B) until the earlier of the following:

18 (1) The date the county voter registration office updates or
 19 cancels the voter's registration under subsection (e) after the voter
 20 provides a current residence address.

21 (2) The day after the second general election in which the voter
 22 has not voted or appeared to vote.

23 (h) After the date described in subsection (g)(2), the county voter
 24 registration office shall remove the voter's registration from the voter
 25 registration records.

26 SECTION 3. IC 4-1-8-1, AS AMENDED BY P.L.141-2006,
 27 SECTION 3, AND AS AMENDED BY P.L.157-2006, SECTION 1, IS
 28 CORRECTED AND AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) No individual may be
 30 compelled by any state agency, board, commission, department,
 31 bureau, or other entity of state government (referred to as "state
 32 agency" in this chapter) to provide the individual's Social Security
 33 number to the state agency against the individual's will, absent federal
 34 requirements to the contrary. However, the provisions of this chapter
 35 do not apply to the following:

36 (1) Department of state revenue.

37 (2) Department of workforce development.

38 (3) The programs administered by:

39 (A) the division of family ~~and children~~; resources;

40 (B) the division of mental health and addiction;

41 (C) the division of disability ~~aging~~, and rehabilitative services;

42 ~~and~~

43 (D) the division of aging; and

44 ~~(D)~~ (E) the office of Medicaid policy and planning;

45 of the office of the secretary of family and social services.

46 (4) Auditor of state.



- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Indiana professional licensing agency.
- (11) Department of insurance, with respect to licensing of insurance producers.
- (12) *The department of child services.*
- ~~(12)~~ (13) A pension fund administered by the board of trustees of the public employees' retirement fund.
- ~~(13)~~ (14) The Indiana state teachers' retirement fund.
- ~~(14)~~ (15) The state police benefit system.
- ~~(15)~~ (16) The alcohol and tobacco commission.
- (17) *The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).*

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.
- (2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an



1 application for a riverboat owner's license or supplier's license.

2 (f) Notwithstanding this chapter, the department of education
3 established by IC 20-19-3-1 may require an individual who applies to
4 the department for a license or an endorsement to provide the
5 individual's Social Security number. The Social Security number may
6 be used by the department only for conducting a background
7 investigation, if the department is authorized by statute to conduct a
8 background investigation of an individual for issuance of the license or
9 endorsement.

10 SECTION 4. IC 4-2-6-11, AS AMENDED BY P.L.89-2006,
11 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 11. (a) As used in this section, "particular
13 matter" means:

- 14 (1) an application;
- 15 (2) a business transaction;
- 16 (3) a claim;
- 17 (4) a contract;
- 18 (5) a determination;
- 19 (6) an enforcement proceeding;
- 20 (7) an investigation;
- 21 (8) a judicial proceeding;
- 22 (9) a lawsuit;
- 23 (10) a license;
- 24 (11) an economic development project; or
- 25 (12) a public works project.

26 The term does not include the proposal or consideration of a legislative
27 matter or the proposal, consideration, adoption, or implementation of
28 a rule or an administrative policy or practice of general application.

29 (b) This subsection applies only to a person who served as a state
30 officer, employee, or special state appointee after January 10, 2005. A
31 former state officer, employee, or special state appointee may not
32 accept employment or receive compensation:

- 33 (1) as a lobbyist;
- 34 (2) from an employer if the former state officer, employee, or
35 special state appointee was:
 - 36 (A) engaged in the negotiation or the administration of one (1)
37 or more contracts with that employer on behalf of the state or
38 an agency; and
 - 39 (B) in a position to make a discretionary decision affecting the:
 - 40 (i) outcome of the negotiation; or
 - 41 (ii) nature of the administration; or
- 42 (3) from an employer if the former state officer, employee, or
43 special state appointee made a regulatory or licensing decision
44 that directly applied to the employer or to a parent or subsidiary
45 of the employer;

46 before the elapse of at least three hundred sixty-five (365) days after



the date on which the former state officer, employee, or special state appointee ceases to be a state officer, employee, or special state appointee.

(c) A former state officer, employee, or special state appointee may not represent or assist a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state officer, employee, or special state appointee, even if the former state officer, employee, or special state appointee receives no compensation for the representation or assistance.

(d) A former state officer, employee, or special state appointee may not accept employment or compensation from an employer if the circumstances surrounding the employment or compensation would lead a reasonable person to believe that:

(1) employment; or

(2) compensation;

is given or had been offered for the purpose of influencing the former state officer, employee, or special state appointee in the performance of his or her duties or responsibilities while a state officer, an employee, or a special state appointee.

(e) A written advisory opinion issued by the commission certifying that:

(1) employment of;

(2) representation by; or

(3) assistance from;

the former state officer, employee, or special state appointee does not violate this section is conclusive proof that a former state officer, employee, or special state appointee is not in violation of this section.

(f) Subsection (b) does not apply to a special state appointee who serves only as a member of an advisory body.

(g) An employee's or a special state appointee's state officer or appointing authority may waive application of subsection (b) or (c) in individual cases when consistent with the public interest. Waivers must be in writing and filed with the commission. The inspector general may adopt rules under IC 4-22-2 to establish criteria for post employment waivers.

~~(h) Subsection (b) does not apply to a special state appointee who:~~

~~(1) was a special state appointee before January 10, 2005; and~~

~~(2) is a special state appointee after January 9, 2005.~~

~~This subsection expires January 1, 2007.~~

SECTION 5. IC 4-2-7-3, AS AMENDED BY P.L.89-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The inspector general shall do the following:

(1) Initiate, supervise, and coordinate investigations.

(2) Recommend policies and carry out other activities designed to



deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government.

(3) Receive complaints alleging the following:

(A) A violation of the code of ethics.

(B) Bribery (IC 35-44-1-1).

(C) Official misconduct (IC 35-44-1-2).

(D) Conflict of interest (IC 35-44-1-3).

(E) Profiteering from public service (IC 35-44-1-7).

(F) A violation of the executive branch lobbying rules.

(G) A violation of a statute or rule relating to the purchase of goods or services by a current or former employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.

(4) If the inspector general has reasonable cause to believe that a crime has occurred or is occurring, report the suspected crime to:

(A) the governor; and

(B) appropriate state or federal law enforcement agencies and prosecuting authorities having jurisdiction over the matter.

(5) Adopt rules under IC 4-22-2 to implement IC 4-2-6 and this chapter.

(6) Adopt rules under IC 4-22-2 and section 5 of this chapter to implement a code of ethics.

(7) Ensure that every:

(A) employee;

(B) state officer;

(C) special state appointee; and

(D) person who has a business relationship with an agency;

is properly trained in the code of ethics.

(8) Provide advice to an agency on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agency.

(9) Recommend legislation to the governor and general assembly to strengthen public integrity laws, including the code of ethics for state officers, employees, special state appointees, and persons who have a business relationship with an agency, including whether additional specific state officers, employees, or special state appointees should be required to file a financial disclosure statement under IC 4-2-6-8.

(10) Annually submit a report to the legislative council detailing the inspector general's activities. The report must be in an electronic format under IC 5-14-6.

(11) Prescribe and provide forms for statements required to be filed under IC 4-2-6 or this chapter.

(12) Accept and file information **that**:

(A) **is** voluntarily supplied; **and**

(B) ~~that~~ exceeds the requirements of this chapter.



(13) Inspect financial disclosure forms.

(14) Notify persons who fail to file forms required under IC 4-2-6 or this chapter.

(15) Develop a filing, a coding, and an indexing system required by IC 4-2-6 and IC 35-44-1-3.

(16) Prepare interpretive and educational materials and programs.

SECTION 6. IC 4-4-10.9-1.2, AS AMENDED BY P.L.47-2006, SECTION 1, AND AS AMENDED BY P.L.1-2006, SECTION 26, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. "Affected statutes" means all statutes that grant a power to or impose a duty on the authority, including but not limited to IC 4-4-11, IC 4-4-11.4, IC 4-4-21, IC 4-13.5, IC 8-1-33, IC 8-9.5, IC 8-14.5, IC 8-15, *IC 8-15.5*, IC 8-16, IC 13-18-13, IC 13-18-21, IC 13-19-5, IC 14-14, and IC 15-7-5.

SECTION 7. IC 4-4-10.9-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. "Distressed area" means a county in which:

(1) the average annualized unemployment rate in each of the two

(2) calendar years immediately preceding the current calendar year exceeded the statewide average annualized unemployment rate for each of the same calendar years by at least two percent (2%); or

(2) the average annualized unemployment rate in the immediately preceding calendar year was at least double the statewide average annualized unemployment rate for the same period;

as determined by the department of workforce development. ~~and published in the report required by IC 4-4-31-1.~~

SECTION 8. IC 4-4-11.4-18, AS ADDED BY P.L.232-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) In order to assure the payment of debt service on bonds of the authority issued under this chapter or maintenance of the required debt service reserve in any reserve fund, the general assembly may annually or biannually appropriate to the authority for deposit in one (1) or more of the funds the sum, certified by the chairman of the authority to the general assembly, that is necessary to pay the debt service on the bonds or to restore one (1) or more of the funds to an amount equal to the required debt service reserve. The chairman annually, before December 1, shall make and deliver to the general assembly the chairman's certificate stating the sum required to pay debt service on the bonds or to restore one (1) or more of the funds to an amount equal to the required debt service reserve. This subsection does not create a debt or liability of the state to make any appropriation.

(b) All amounts received on account of money appropriated by the state to any fund shall be held and applied in accordance with section 15(b) of this chapter. However, at the end of each fiscal year, if the



amount in any fund exceeds the debt service or required debt service reserve, any amount representing earnings or income received on account of any money appropriated to the funds that exceeds the expenses of the authority for that fiscal year may be transferred to the Indiana twenty-first century research and technology fund established by ~~IC 4-4-5.1-3~~ **IC 5-28-16-2**.

SECTION 9. IC 4-4-28-11, AS AMENDED BY P.L.1-2006, SECTION 52, AND AS AMENDED BY P.L.181-2006, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Each community development corporation shall annually provide the *Indiana housing and community development* authority with information needed to determine:

- (1) the number of accounts administered by the community development corporation;
- (2) the length of time each account under subdivision (1) has been established; and
- (3) the amount of money an individual has deposited into each account under subdivision (1) during the preceding twelve (12) months.

(b) The *Indiana housing and community development* authority shall use the information provided under subsection (a) to deposit the correct amount of money into each account as provided in section 12 of this chapter.

SECTION 10. IC 4-4-28-12, AS AMENDED BY P.L.1-2006, SECTION 53, AND AS AMENDED BY P.L.181-2006, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The *Indiana housing and community development* authority shall allocate, for each account that has been established after June 30, 2001, for not more than four (4) years, including any time in which an individual held an individual development account under this chapter before July 1, 2001, three dollars (\$3) for each one dollar (\$1) an individual deposited into the individual's account during the preceding twelve (12) months. However, the authority's allocation under this subsection may not exceed nine hundred dollars (\$900) for each account described in this subsection.

(b) Not later than June 30 of each year, the *Indiana housing and community development* authority shall deposit into each account established under this chapter the appropriate amount of money determined under this section. However, if the individual deposits the maximum amount allowed under this chapter on or before December 31 of each year, the individual may request in writing that the authority allocate and deposit the matched funds under subsection (a) into the individual's account not later than forty-five (45) days after the authority receives the written request.



(c) Money from a federal block grant program under Title IV-A of the federal Social Security Act may be used by the state to provide money under this section for deposit into an account held by an individual who receives assistance under IC 12-14-2.

SECTION 11. IC 4-4-28-15, AS AMENDED BY P.L.1-2006, SECTION 54, AND AS AMENDED BY P.L.181-2006, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) An individual must request and receive authorization from the community development corporation that administers the individual's account before withdrawing money from the account for any purpose.

(b) An individual who is denied authorization to withdraw money under subsection (a) may appeal the community development corporation's decision to the *Indiana housing and community development* authority under rules adopted by the authority under IC 4-22-2.

SECTION 12. IC 4-4-28-18, AS AMENDED BY P.L.1-2006, SECTION 55, AND AS AMENDED BY P.L.181-2006, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) Each community development corporation shall annually:

(1) evaluate the individual development accounts administered by the community development corporation; and

(2) submit a report containing the evaluation information to the *Indiana housing and community development* authority.

(b) Two (2) or more community development corporations may work together in carrying out the purposes of this chapter.

SECTION 13. IC 4-4-28-21, AS AMENDED BY P.L.1-2006, SECTION 56, AND AS AMENDED BY P.L.181-2006, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. The *Indiana housing and community development* authority may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 14. IC 4-6-12-4, AS AMENDED BY P.L.1-2006, SECTION 59, AND AS AMENDED BY P.L.181-2006, SECTION 13, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The following may cooperate with the unit to implement this chapter:

(1) The Indiana professional licensing agency and the appropriate licensing boards with respect to persons licensed under IC 25.

(2) The department of financial institutions.

(3) The department of insurance with respect to the sale of insurance in connection with mortgage lending.

(4) The securities division of the office of the secretary of state.

(5) The supreme court disciplinary commission with respect to attorney misconduct.



- (6) The Indiana housing and community development authority.
- (7) The department of state revenue.
- (8) The state police department.
- (9) A prosecuting attorney.
- (10) Local law enforcement agencies.
- (11) The *lieutenant governor*. ~~department of commerce.~~

(b) Notwithstanding IC 5-14-3, the entities listed in subsection (a) may share information with the unit.

SECTION 15. IC 4-15-2-3.8, AS AMENDED BY P.L.141-2006, SECTION 4, AND AS AMENDED BY P.L.145-2006, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.8. "State service" means public service by:

- (1) employees and officers, including the incumbent directors, of the county offices of family and children; and
- (2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability ~~aging~~, and rehabilitative services, *division of aging*, Fort Wayne State Developmental Center, ~~Muscatatuck State Developmental Center~~, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of homeland security (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family ~~and children~~, *resources*, *department of child services*, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission,



commission on public records, Indiana horse racing commission,
and state personnel department.

SECTION 16. IC 4-21.5-2-5, AS AMENDED BY P.L.161-2006,
SECTION 1, AND AS AMENDED BY P.L.100-2006, SECTION 1, IS
CORRECTED AND AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 5. This article does not apply
to the following agency actions:

(1) The issuance of a warrant or jeopardy warrant for the
collection of taxes.

(2) A determination of probable cause or no probable cause by the
civil rights commission.

(3) A determination in a factfinding conference of the civil rights
commission.

(4) A personnel action, except review of a personnel action by the
state employees appeals commission under IC 4-15-2 or a
personnel action that is not covered by IC 4-15-2 but may be
taken only for cause.

(5) A resolution, directive, or other action of any agency that
relates solely to the internal policy, organization, or procedure of
that agency or another agency and is not a licensing or
enforcement action. Actions to which this exemption applies
include the statutory obligations of an agency to approve or ratify
an action of another agency.

(6) An agency action related to an offender within the jurisdiction
of the department of correction.

(7) A decision of the Indiana economic development corporation,
the office of tourism development, the department of
environmental management, the tourist information and grant
fund review committee (before the repeal of the statute that
created the tourist information and grant fund review committee),
the Indiana finance authority, the corporation for innovation
development, or the lieutenant governor that concerns a grant,
loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or
similar accusation.

(9) A decision to initiate or not initiate an inspection,
investigation, or other similar inquiry that will be conducted by
the agency, another agency, a political subdivision, including a
prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection,
investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or
procurement of goods or services by contract.

(12) Determinations of the department of workforce development
under IC 22-4-18-1(g)(1) ~~IC 22-4-40~~, or IC 22-4-41.

(13) A decision under IC 9-30-12 of the bureau of motor vehicles



to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8.

SECTION 17. IC 4-22-2-37.1, AS AMENDED BY P.L.47-2006, SECTION 2, AND AS AMENDED BY P.L.91-2006, SECTION 2, AND AS AMENDED BY P.L.123-2006, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority



- 1 under IC 8-21-12.
- 2 (11) An emergency rule adopted by the insurance commissioner
- 3 under IC 27-1-23-7.
- 4 (12) An emergency rule adopted by the Indiana horse racing
- 5 commission under IC 4-31-3-9.
- 6 (13) An emergency rule adopted by the air pollution control
- 7 board, the solid waste management board, or the water pollution
- 8 control board under IC 13-15-4-10(4) or to comply with a
- 9 deadline required by federal law, provided:
- 10 (A) the variance procedures are included in the rules; and
- 11 (B) permits or licenses granted during the period the
- 12 emergency rule is in effect are reviewed after the emergency
- 13 rule expires.
- 14 (14) An emergency rule adopted by the Indiana election
- 15 commission under IC 3-6-4.1-14.
- 16 (15) An emergency rule adopted by the department of natural
- 17 resources under IC 14-10-2-5.
- 18 (16) An emergency rule adopted by the Indiana gaming
- 19 commission under *IC 4-32.2-3-3(b)*, IC 4-33-4-2, IC 4-33-4-3, or
- 20 IC 4-33-4-14.
- 21 (17) An emergency rule adopted by the alcohol and tobacco
- 22 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
- 23 IC 7.1-3-20-24.4.
- 24 (18) An emergency rule adopted by the department of financial
- 25 institutions under IC 28-15-11.
- 26 (19) An emergency rule adopted by the office of the secretary of
- 27 family and social services under IC 12-8-1-12.
- 28 (20) An emergency rule adopted by the office of the children's
- 29 health insurance program under IC 12-17.6-2-11.
- 30 (21) An emergency rule adopted by the office of Medicaid policy
- 31 and planning under IC 12-15-41-15.
- 32 (22) An emergency rule adopted by the Indiana state board of
- 33 animal health under IC 15-2.1-18-21.
- 34 (23) An emergency rule adopted by the board of directors of the
- 35 Indiana education savings authority under IC 21-9-4-7.
- 36 (24) An emergency rule adopted by the Indiana board of tax
- 37 review under IC 6-1.1-4-34 **(repealed)**.
- 38 (25) An emergency rule adopted by the department of local
- 39 government finance under IC 6-1.1-4-33 **(repealed)**.
- 40 (26) An emergency rule adopted by the boiler and pressure vessel
- 41 rules board under IC 22-13-2-8(c).
- 42 (27) An emergency rule adopted by the Indiana board of tax
- 43 review under IC 6-1.1-4-37(l) **(repealed)** or an emergency rule
- 44 adopted by the department of local government finance under
- 45 IC 6-1.1-4-36(j) **(repealed)** or IC 6-1.1-22.5-20.
- 46 (28) An emergency rule adopted by the board of the Indiana



1 economic development corporation under IC 5-28-5-8.

2 (29) A rule adopted by the department of financial institutions
3 under IC 34-55-10-2.5.

4 (30) A rule adopted by the Indiana finance authority:

5 (A) under IC 8-15.5-7 approving user fees (as defined in
6 IC 8-15.5-2-10) provided for in a public-private agreement
7 under IC 8-15.5;

8 (B) under IC 8-15-2-17.2(a)(10):

9 (i) establishing enforcement procedures; and

10 (ii) making assessments for failure to pay required tolls;

11 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
12 establishing procedures for the implementation of the
13 collection of user fees by electronic or other nonmanual
14 means; or

15 (D) to make other changes to existing rules related to a toll
16 road project to accommodate the provisions of a
17 public-private agreement under IC 8-15.5.

18 (b) The following do not apply to rules described in subsection (a):

19 (1) Sections 24 through 36 of this chapter.

20 (2) IC 13-14-9.

21 (c) After a rule described in subsection (a) has been adopted by the
22 agency, the agency shall submit the rule to the publisher for the
23 assignment of a document control number. The agency shall submit the
24 rule in the form required by section 20 of this chapter and with the
25 documents required by section 21 of this chapter. The publisher shall
26 determine the ~~number of copies~~ format of the rule and other documents
27 to be submitted under this subsection.

28 (d) After the document control number has been assigned, the
29 agency shall submit the rule to the ~~secretary of state~~ publisher for
30 filing. The agency shall submit the rule in the form required by section
31 20 of this chapter and with the documents required by section 21 of this
32 chapter. The ~~secretary of state~~ publisher shall determine the ~~number~~
33 ~~of copies~~ format of the rule and other documents to be submitted under
34 this subsection.

35 (e) Subject to section 39 of this chapter, the ~~secretary of state~~
36 publisher shall:

37 (1) accept the rule for filing; and

38 (2) ~~file stamp and indicate electronically record~~ the date and time
39 that the rule is accepted. ~~on every duplicate original copy~~
40 ~~submitted.~~

41 (f) A rule described in subsection (a) takes effect on the latest of the
42 following dates:

43 (1) The effective date of the statute delegating authority to the
44 agency to adopt the rule.

45 (2) The date and time that the rule is accepted for filing under
46 subsection (e).



(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), ~~and~~ (k), *and* (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

SECTION 18. IC 4-23-20-3, AS AMENDED BY P.L.161-2006, SECTION 2, AND AS AMENDED BY P.L.141-2006, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The committee consists of at least six (6) members appointed by the governor and must include representatives of the following:

(1) The Indiana economic development corporation.

(2) The department of workforce development.

(3) The division of disability ~~aging~~, and rehabilitative services.

(4) The commission on vocational and technical education of the department of workforce development.



(5) The state *workforce innovation ~~human resource investment~~* council.

(6) The department of education.

SECTION 19. IC 4-32.2-2-20.5, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. "Member" means any of the following:

(1) An individual entitled to membership in a qualified organization under the bylaws, articles of incorporation, charter, or rules of the qualified organization.

(2) A member of the qualified organization's auxiliary.

(3) In the case of a qualified organization that is a nonpublic school (as defined in IC 20-18-2-12), ~~either~~ **any** of the following:

(A) A parent of a child enrolled in the school.

(B) A member of the school's parent organization.

(C) A member of the school's alumni association.

SECTION 20. IC 5-1.5-4-1, AS AMENDED BY P.L.192-2006, SECTION 1, AND AS AMENDED BY P.L.2-2006, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The bank may issue its bonds or notes in principal amounts that it considers necessary to provide funds for any purposes under this article, including:

(1) the purchase or acquisition of securities;

(2) the making of loans to or agreements with qualified entities through the purchase of securities;

(3) the payment, funding, or refunding of the principal of, or interest or redemption premiums on, bonds or notes issued by it whether the bonds or notes or interest to be paid, funded, or refunded have or have not become due; ~~and~~

(4) the establishment or increase of reserves to secure or to pay bonds or notes or interest on bonds or notes and all other costs or expenses of the bank incident to and necessary or convenient to carry out its corporate purposes and powers; *and*

(5) *the acquisition of school buses to be leased or sold to school corporations (as defined in IC 36-1-2-17).*

(b) Except as otherwise provided in this article or by the board, every issue of bonds or notes shall be general obligations of the bank payable out of the revenues or funds of the bank, subject only to agreements with the holders of a particular series of bonds or notes pledging a particular revenue or fund. Bonds or notes may be additionally secured by a pledge of a grant or contributions from the United States, a qualified entity, or a person or a pledge of income or revenues, funds, or money of the bank from any source.

(c) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except:

(1) bonds or notes issued to fund or refund bonds or notes; and

(2) bonds or notes issued for the purpose of purchasing an



1 agreement executed by a qualified entity under ~~IC 21-1-5;~~
 2 ~~IC 20-49-4;~~

3 may not exceed one billion dollars (\$1,000,000,000) for qualified
 4 entities described in IC 5-1.5-1-8(1) through IC 5-1.5-1-8(4) and
 5 IC 5-1.5-1-8(8) through IC 5-1.5-1-8(11).

6 (d) Notwithstanding subsections (a) and (b), the total amount of
 7 bank bonds and notes outstanding at any one (1) time, except bonds or
 8 notes issued to fund or refund bonds or notes, may not exceed two
 9 hundred million dollars (\$200,000,000) for qualified entities described
 10 in IC 5-1.5-1-8(5) through IC 5-1.5-1-8(6).

11 (e) Notwithstanding subsections (a) and (b), the total amount of
 12 bank bonds and notes outstanding at any one (1) time, except bonds or
 13 notes issued to fund or refund bonds or notes, may not exceed thirty
 14 million dollars (\$30,000,000) for qualified entities described in
 15 IC 5-1.5-1-8(7).

16 (f) The limitations contained in subsections (c), (d), and (e) do not
 17 apply to bonds, notes, or other obligations of the bank if:

18 (1) the bonds, notes, or other obligations are not secured by a
 19 reserve fund under IC 5-1.5-5; or

20 (2) funds and investments, and the anticipated earned interest on
 21 those funds and investments, are irrevocably set aside in amounts
 22 sufficient to pay the principal, interest, and premium on the
 23 bonds, notes, or obligations at their respective maturities or on the
 24 date or dates fixed for redemption.

25 SECTION 21. IC 5-2-4-1, AS AMENDED BY P.L.101-2006,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 UPON PASSAGE]: Sec. 1. As used in this chapter, unless the context
 28 otherwise requires:

29 (1) "Criminal history information" means information collected
 30 by criminal justice agencies or individuals consisting of
 31 identifiable descriptions and notations of arrests, detentions,
 32 indictments, informations, or other formal criminal charges, and
 33 any disposition arising therefrom, sentencing, correctional
 34 supervision, and release.

35 (2) "Criminal intelligence information" means information on
 36 identifiable individuals compiled in an effort to anticipate,
 37 prevent or monitor possible criminal activity, including terrorist
 38 activity. "Criminal intelligence information" does not include
 39 criminal investigative information which is information on
 40 identifiable individuals compiled in the course of the
 41 investigation of specific criminal acts.

42 (3) "Criminal justice agency" means any agency or department of
 43 any level of government which performs as its principal function
 44 the apprehension, prosecution, adjudication, incarceration,
 45 rehabilitation of criminal offenders, or location of parents with
 46 child support obligations under 42 U.S.C. 653. The term includes:



(A) a nongovernmental entity that performs as its principal function the:

(i) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders; or

(ii) location of parents with child support obligations under 42 U.S.C. 653;

under a contract with an agency or department of any level of government;

(B) the department of homeland security; and

(C) the Indiana intelligence fusion center established by

~~IC 10-19-10-1.~~ **IC 10-19-10-2.**

SECTION 22. IC 5-2-6.1-28, AS AMENDED BY P.L.121-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) Not more than ten (10) days after the hearing, the hearing officer shall issue a written decision supported by findings of fact and conclusions of law based on the record from the hearing, the investigation, and the application of the claimant.

(b) Copies of the ~~determination~~ **decision** shall be mailed to the claimant at the address given in the application and to the attorney general.

SECTION 23. IC 5-2-14-5, AS AMENDED BY P.L.1-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The task force consists of the following members:

(1) The superintendent of the state police department or the superintendent's designee.

(2) The commissioner of the state department of health or the commissioner's designee.

(3) The state superintendent of public instruction or the state superintendent's designee.

(4) The commissioner of the department of environmental management or the commissioner's designee.

(5) The executive director of the department of homeland security or the executive director's designee.

(6) The secretary of family and social services or the secretary's designee.

(7) A judge, to be appointed by the governor.

(8) A prosecuting attorney, to be appointed by the governor.

(9) A county public defender, to be appointed by the governor.

(10) A sheriff from a county with a population less than thirty thousand (30,000), to be appointed by the governor, or the sheriff's designee.

(11) A sheriff from a county with a population greater than one hundred thousand (100,000), to be appointed by the governor, or the sheriff's designee.

(12) A chief of police from a first or second class city, to be



appointed by the governor, or the chief's designee.

(13) A chief of police from a third class city, to be appointed by the governor, or the chief's designee.

(14) One (1) mental health professional with expertise in the treatment of drug addiction, to be appointed by the governor.

(15) A physician with experience in treating individuals who have been:

(A) injured by an explosion or a fire in a methamphetamine laboratory; or

(B) harmed by contact with methamphetamine precursors; to be appointed by the governor.

(16) One (1) primary or secondary school professional with experience in educating children concerning the danger of methamphetamine abuse, to be appointed by the governor.

(17) Five (5) persons:

(A) one (1) representing a retail grocery;

(B) one (1) representing a retail pharmacy;

(C) one (1) representing a retail hardware store;

(D) one (1) representing convenience stores; and

(E) one (1) representing retail propane gas dealers; with experience in combating the sale of methamphetamine precursors, to be appointed by the governor.

(18) A representative of the farming industry with knowledge of the problem of theft of anhydrous ammonia for use in the manufacture of methamphetamine, to be appointed by the governor.

(19) An individual appointed by the speaker of the house of representatives.

(20) An individual appointed by the president pro tempore of the senate.

(21) A probation officer appointed by the governor.

(22) A pharmaceutical manufacturer representative appointed by the governor.

~~reinstatement occurred:~~

SECTION 24. IC 5-2-15-4, AS AMENDED BY P.L.145-2006, SECTION 10, AND AS AMENDED BY P.L.151-2006, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A law enforcement agency that discovers a child less than ~~fourteen (14)~~ *eighteen (18)* years of age at a ~~methamphetamine laboratory~~ *site used for the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9)* shall notify the department of child services.

SECTION 25. IC 5-14-3-2, AS AMENDED BY P.L.1-2006, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.



(b) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage, and reproducing by any other means.

(c) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

- (1) the initial development of a program, if any;
- (2) the labor required to retrieve electronically stored data; and
- (3) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter.

(d) "Electronic map" means copyrighted data provided by a public agency from an electronic geographic information system.

(e) "Enhanced access" means the inspection of a public record by a person other than a governmental entity and that:

- (1) is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or
- (2) requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

(f) "Facsimile machine" means a machine that electronically transmits exact images through connection with a telephone network.

(g) "Inspect" includes the right to do the following:

- (1) Manually transcribe and make notes, abstracts, or memoranda.
- (2) In the case of tape recordings or other aural public records, to listen and manually transcribe or duplicate, or make notes, abstracts, or other memoranda from them.
- (3) In the case of public records available:
 - (A) by enhanced access under section 3.5 of this chapter; or
 - (B) to a governmental entity under section 3(c)(2) of this chapter;

to examine and copy the public records by use of an electronic device.

- (4) In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

(h) "Investigatory record" means information compiled in the course of the investigation of a crime.

(i) "Patient" has the meaning set out in IC 16-18-2-272(d).

(j) "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

(k) "Provider" has the meaning set out in ~~IC 16-18-2-295(a)~~



IC 16-18-2-295(b) and includes employees of the state department of health or local boards of health who create patient records at the request of another provider or who are social workers and create records concerning the family background of children who may need assistance.

(l) "Public agency" means the following:

(1) Any board, commission, department, division, bureau, committee, agency, office, instrumentality, or authority, by whatever name designated, exercising any part of the executive, administrative, judicial, or legislative power of the state.

(2) Any:

(A) county, township, school corporation, city, or town, or any board, commission, department, division, bureau, committee, office, instrumentality, or authority of any county, township, school corporation, city, or town;

(B) political subdivision (as defined by IC 36-1-2-13); or

(C) other entity, or any office thereof, by whatever name designated, exercising in a limited geographical area the executive, administrative, judicial, or legislative power of the state or a delegated local governmental power.

(3) Any entity or office that is subject to:

(A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or

(B) an audit by the state board of accounts.

(4) Any building corporation of a political subdivision that issues bonds for the purpose of constructing public facilities.

(5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.

(6) Any law enforcement agency, which means an agency or a department of any level of government that engages in the investigation, apprehension, arrest, or prosecution of alleged criminal offenders, such as the state police department, the police or sheriff's department of a political subdivision, prosecuting attorneys, members of the excise police division of the alcohol and tobacco commission, conservation officers of the department of natural resources, gaming agents of the Indiana gaming commission, and the security division of the state lottery commission.

(7) Any license branch staffed by employees of the bureau of motor vehicles commission under IC 9-16.

(8) The state lottery commission established by IC 4-30-3-1, including any department, division, or office of the commission.

(9) The Indiana gaming commission established under IC 4-33,



including any department, division, or office of the commission.

(10) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.

(m) "Public record" means any writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data, or any other material, regardless of form or characteristics.

(n) "Standard-sized documents" includes all documents that can be mechanically reproduced (without mechanical reduction) on paper sized eight and one-half (8 1/2) inches by eleven (11) inches or eight and one-half (8 1/2) inches by fourteen (14) inches.

(o) "Trade secret" has the meaning set forth in IC 24-2-3-2.

(p) "Work product of an attorney" means information compiled by an attorney in reasonable anticipation of litigation. The term includes the attorney's:

(1) notes and statements taken during interviews of prospective witnesses; and

(2) legal research or records, correspondence, reports, or memoranda to the extent that each contains the attorney's opinions, theories, or conclusions.

This definition does not restrict the application of any exception under section 4 of this chapter.

SECTION 26. IC 5-14-3-3, AS AMENDED BY P.L.22-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided in section 4 of this chapter. A request for inspection or copying must:

(1) identify with reasonable particularity the record being requested; and

(2) be, at the discretion of the agency, in writing on or in a form provided by the agency.

No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by other applicable statute.

(b) A public agency may not deny or interfere with the exercise of the right stated in subsection (a). The public agency shall either:

(1) provide the requested copies to the person making the request; or

(2) allow the person to make copies:

(A) on the agency's equipment; or

(B) on the person's own equipment.

(c) Notwithstanding subsections (a) and (b), a public agency may or



1 may not do the following:

2 (1) In accordance with a contract described in section 3.5 of this
3 chapter, permit a person to inspect and copy through the use of
4 enhanced access public records containing information owned by
5 or entrusted to the public agency.

6 (2) Permit a governmental entity to use an electronic device to
7 inspect and copy public records containing information owned by
8 or entrusted to the public agency.

9 (d) Except as provided in subsection (e), a public agency that
10 maintains or contracts for the maintenance of public records in an
11 electronic data storage system shall make reasonable efforts to provide
12 to a person making a request a copy of all disclosable data contained
13 in the records on paper, disk, tape, drum, or any other method of
14 electronic retrieval if the medium requested is compatible with the
15 agency's data storage system. This subsection does not apply to an
16 electronic map.

17 (e) A state agency may adopt a rule under IC 4-22-2, and a political
18 subdivision may enact an ordinance, prescribing the conditions under
19 which a person who receives information on disk or tape under
20 subsection (d) may or may not use the information for commercial
21 purposes, including to sell, advertise, or solicit the purchase of
22 merchandise, goods, or services, or sell, loan, give away, or otherwise
23 deliver the information obtained by the request to any other person for
24 these purposes. Use of information received under subsection (d) in
25 connection with the preparation or publication of news, for nonprofit
26 activities, or for academic research is not prohibited. A person who
27 uses information in a manner contrary to a rule or ordinance adopted
28 under this subsection may be prohibited by the state agency or political
29 subdivision from obtaining a copy or any further data under subsection
30 (d).

31 (f) Notwithstanding the other provisions of this section, a public
32 agency is not required to create or provide copies of lists of names and
33 addresses (including electronic mail account addresses) unless the
34 public agency is required to publish such lists and disseminate them to
35 the public under a statute. However, if a public agency has created a
36 list of names and addresses (excluding electronic mail account
37 addresses) it must permit a person to inspect and make memoranda
38 abstracts from the list unless access to the list is prohibited by law. The
39 lists of names and addresses (including electronic mail account
40 addresses) described in subdivisions (1) through (3) may not be
41 disclosed by public agencies to any individual or entity for political
42 purposes and may not be used by any individual or entity for political
43 purposes. In addition, the lists of names and addresses (including
44 electronic mail account addresses) described in subdivisions (1)
45 through (3) may not ~~by~~ be disclosed by public agencies to commercial
46 entities for commercial purposes and may not be used by commercial



1 entities for commercial purposes. The prohibition in this subsection
 2 against the disclosure of lists for political or commercial purposes
 3 applies to the following lists of names and addresses (including
 4 electronic mail account addresses):

5 (1) A list of employees of a public agency.

6 (2) A list of persons attending conferences or meetings at a state
 7 institution of higher education or of persons involved in programs
 8 or activities conducted or supervised by the state institution of
 9 higher education.

10 (3) A list of students who are enrolled in a public school
 11 corporation if the governing body of the public school corporation
 12 adopts a policy:

13 (A) with respect to disclosure related to a commercial purpose,
 14 prohibiting the disclosure of the list to commercial entities for
 15 commercial purposes;

16 (B) with respect to disclosure related to a commercial purpose,
 17 specifying the classes or categories of commercial entities to
 18 which the list may not be disclosed or by which the list may
 19 not be used for commercial purposes; or

20 (C) with respect to disclosure related to a political purpose,
 21 prohibiting the disclosure of the list to individuals and entities
 22 for political purposes.

23 A policy adopted under subdivision (3)(A) or (3)(B) must be uniform
 24 and may not discriminate among similarly situated commercial entities.
 25 For purposes of this subsection, "political purposes" means influencing
 26 the election of a candidate for federal, state, legislative, local, or school
 27 board office or the outcome of a public question or attempting to solicit
 28 a contribution to influence the election of a candidate for federal, state,
 29 legislative, local, or school board office or the outcome of a public
 30 question.

31 (g) A public agency may not enter into or renew a contract or an
 32 obligation:

33 (1) for the storage or copying of public records; or

34 (2) that requires the public to obtain a license or pay copyright
 35 royalties for obtaining the right to inspect and copy the records
 36 unless otherwise provided by applicable statute;

37 if the contract, obligation, license, or copyright unreasonably impairs
 38 the right of the public to inspect and copy the agency's public records.

39 (h) If this section conflicts with IC 3-7, the provisions of IC 3-7
 40 apply.

41 SECTION 27. IC 5-20-1-2, AS AMENDED BY P.L.145-2006,
 42 SECTION 11, AND AS AMENDED BY P.L.181-2006, SECTION 17,
 43 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 44 [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

45 "Assisted" means, with respect to a loan:

46 (1) the payment by the United States or any duly authorized



1 agency of the United States of assistance payments, interest
2 payments, or mortgage reduction payments with respect to such
3 loan; or

4 (2) the provision of insurance, guaranty, security, collateral,
5 subsidies, or other forms of assistance or aid acceptable to the
6 authority for the making, holding, or selling of a loan from the
7 United States, any duly authorized agency of the United States, or
8 any entity or corporation acceptable to the authority, other than
9 the sponsor.

10 "Authority" means the Indiana housing and community development
11 authority created ~~under~~ *by section 3 of* this chapter.

12 "Bonds" or "notes" means the bonds or notes authorized to be issued
13 by the authority under this chapter.

14 "Development costs" means the costs approved by the authority as
15 appropriate expenditures and credits which may be incurred by
16 sponsors, builders, and developers of residential housing prior to
17 commitment and initial advance of the proceeds of a construction loan
18 or of a mortgage, including but not limited to:

19 (1) payments for options to purchase properties on the proposed
20 residential housing site, deposits on contracts of purchase, or,
21 with prior approval of the authority, payments for the purchase of
22 such properties;

23 (2) legal, organizational, and marketing expenses, including
24 payments of attorney's fees, project manager, clerical, and other
25 incidental expenses;

26 (3) payment of fees for preliminary feasibility studies and
27 advances for planning, engineering, and architectural work;

28 (4) expenses for surveys as to need and market analyses;

29 (5) necessary application and other fees;

30 (6) credits allowed by the authority to recognize the value of
31 service provided at no cost by the sponsors, builders, or
32 developers; and

33 (7) such other expenses as the authority deems appropriate for the
34 purposes of this chapter.

35 "Governmental agency" means any department, division, public
36 agency, political subdivision, or other public instrumentality of the
37 state of Indiana, the federal government, any other state or public
38 agency, or any two (2) or more thereof.

39 "Construction loan" means a loan to provide interim financing for
40 the acquisition or construction of single family residential housing,
41 including land development.

42 "Mortgage" or "mortgage loan" means a loan to provide permanent
43 financing for:

44 (1) the rehabilitation, acquisition, or construction of single family
45 residential housing, including land development; or

46 (2) the weatherization of single family residences.



"Mortgage lender" means a bank, trust company, savings bank, savings association, credit union, national banking association, federal savings association or federal credit union maintaining an office in this state, a public utility (as defined in IC 8-1-2-1), a gas utility system organized under IC 8-1-11.1, an insurance company authorized to do business in this state, or any mortgage banking firm or mortgagee authorized to do business in this state and approved by either the authority or the Department of Housing and Urban Development.

"Land development" means the process of acquiring land primarily for residential housing construction for persons and families of low and moderate income and making, installing, or constructing nonresidential housing improvements, including water, sewer, and other utilities, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or works, whether on or off the site, which the authority deems necessary or desirable to prepare such land primarily for residential housing construction.

"Obligations" means any bonds or notes authorized to be issued by the authority under this chapter.

"Persons and families of low and moderate income" means persons and families of insufficient personal or family income to afford adequate housing as determined by the standards established by the authority, and in determining such standards the authority shall take into account the following:

- (1) The amount of total income of such persons and families available for housing needs.
- (2) The size of the family.
- (3) The cost and condition of housing facilities available in the different geographic areas of the state.
- (4) The ability of such persons and families to compete successfully in the private housing market and to pay the amounts at which private enterprise is providing sanitary, decent, and safe housing.

The standards shall, however, comply with the applicable limitations of section 4(b) of this chapter.

"Residential facility for children" means a facility:

- (1) that provides residential services to individuals who are:
 - (A) under twenty-one (21) years of age; and
 - (B) adjudicated to be children in need of services under IC 31-34 (or IC 31-6-4 before its repeal) or delinquent children under IC 31-37 (or IC 31-6-4 before its repeal); and
- (2) that is:
 - (A) a child caring institution that is or will be licensed under ~~IC 12-17-4~~, IC 31-27;
 - (B) a residential facility that is or will be licensed under IC 12-28-5; or
 - (C) a facility that is or will be certified by the division of



1 mental health and addiction under IC 12-23.

2 "Residential facility for the developmentally disabled" means a
3 facility that is approved for use in a community residential program for
4 the developmentally disabled under IC 12-11-1.1.

5 "Residential facility for the mentally ill" means a facility that is
6 approved by the division of mental health and addiction for use in a
7 community residential program for the mentally ill under
8 IC 12-22-2-3(1), IC 12-22-2-3(2), IC 12-22-2-3(3), or IC 12-22-2-3(4).

9 "Residential housing" means a specific work or improvement
10 undertaken primarily to provide single or multiple family housing for
11 rental or sale to persons and families of low and moderate income,
12 including the acquisition, construction, or rehabilitation of lands,
13 buildings, and improvements to the housing, and such other
14 nonhousing facilities as may be incidental or appurtenant to the
15 housing.

16 "Sponsors", "builders", or "developers" means corporations,
17 associations, partnerships, limited liability companies, or other entities
18 and consumer housing cooperatives organized pursuant to law for the
19 primary purpose of providing housing to low and moderate income
20 persons and families.

21 "State" means the state of Indiana.

22 "Tenant programs and services" means services and activities for
23 persons and families living in residential housing, including the
24 following:

25 (1) Counseling on household management, housekeeping,
26 budgeting, and money management.

27 (2) Child care and similar matters.

28 (3) Access to available community services related to job training
29 and placement, education, health, welfare, and other community
30 services.

31 (4) Guard and other matters related to the physical security of the
32 housing residents.

33 (5) Effective management-tenant relations, including tenant
34 participation in all aspects of housing administration,
35 management, and maintenance.

36 (6) Physical improvements of the housing, including buildings,
37 recreational and community facilities, safety measures, and
38 removal of code violations.

39 (7) Advisory services for tenants in the creation of tenant
40 organizations which will assume a meaningful and responsible
41 role in the planning and carrying out of housing affairs.

42 (8) Procedures whereby tenants, either individually or in a group,
43 may be given a hearing on questions relating to management
44 policies and practices either in general or in relation to an
45 individual or family.

46 SECTION 28. IC 5-20-1-4, AS AMENDED BY P.L.145-2006,



SECTION 12, AND AS AMENDED BY P.L.181-2006, SECTION 18,
IS CORRECTED AND AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The authority has all of
the powers necessary or convenient to carry out and effectuate the
purposes and provisions of this chapter, including the power:

(1) to make or participate in the making of construction loans to
sponsors of multiple family residential housing that is federally
assisted or assisted by a government sponsored enterprise, such
as the Federal National Mortgage Association, the Federal Home
Loan Mortgage Corporation, or the Federal Agricultural Mortgage
Corporation, the Federal Home Loan Bank, and other similar
entities approved by the authority;

(2) to make or participate in the making of mortgage loans to
sponsors of multiple family residential housing that is federally
assisted or assisted by a government sponsored enterprise, such
as the Federal National Mortgage Association, the Federal Home
Loan Mortgage Corporation, or the Federal Agricultural Mortgage
Corporation, the Federal Home Loan Bank, and other similar
entities approved by the authority;

(3) to purchase or participate in the purchase from mortgage
lenders of mortgage loans made to persons of low and moderate
income for residential housing;

(4) to make loans to mortgage lenders for the purpose of
furnishing funds to such mortgage lenders to be used for making
mortgage loans for persons and families of low and moderate
income. However, the obligation to repay loans to mortgage
lenders shall be general obligations of the respective mortgage
lenders and shall bear such date or dates, shall mature at such
time or times, shall be evidenced by such note, bond, or other
certificate of indebtedness, shall be subject to prepayment, and
shall contain such other provisions consistent with the purposes
of this chapter as the authority shall by rule or resolution
determine;

(5) to collect and pay reasonable fees and charges in connection
with making, purchasing, and servicing of its loans, notes, bonds,
commitments, and other evidences of indebtedness;

(6) to acquire real property, or any interest in real property, by
conveyance, including purchase in lieu of foreclosure, or
foreclosure, to own, manage, operate, hold, clear, improve, and
rehabilitate such real property and sell, assign, exchange, transfer,
convey, lease, mortgage, or otherwise dispose of or encumber
such real property where such use of real property is necessary or
appropriate to the purposes of the authority;

(7) to sell, at public or private sale, all or any part of any mortgage
or other instrument or document securing a construction loan, a
land development loan, a mortgage loan, or a loan of any type



permitted by this chapter;

(8) to procure insurance against any loss in connection with its operations in such amounts and from such insurers as it may deem necessary or desirable;

(9) to consent, subject to the provisions of any contract with noteholders or bondholders which may then exist, whenever it deems it necessary or desirable in the fulfillment of its purposes to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any mortgage loan, mortgage loan commitment, construction loan, loan to lender, or contract or agreement of any kind to which the authority is a party;

(10) to enter into agreements or other transactions with any federal, state, or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing;

(11) to include in any borrowing such amounts as may be deemed necessary by the authority to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time thereafter or if the housing is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees and such other expenses as are necessary or incident to such borrowing;

(12) to make and publish rules respecting its lending programs and such other rules as are necessary to effectuate the purposes of this chapter;

(13) to provide technical and advisory services to sponsors, builders, and developers of residential housing and to residents and potential residents, including housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;

(14) to promote research and development in scientific methods of constructing low cost residential housing of high durability;

(15) to encourage community organizations to participate in residential housing development;

(16) to make, execute, and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, limited liability company, or other organization or entity necessary or convenient to accomplish the purposes of this chapter;

(17) to accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;

(18) to sue and be sued in its own name, plead and be impleaded;



(19) to maintain an office in the city of Indianapolis and at such other place or places as it may determine;

(20) to adopt an official seal and alter the same at pleasure;

(21) to adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties;

(22) to employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor;

(23) notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, to invest:

(A) the authority's money, funds, and accounts;

(B) any money, funds, and accounts in the authority's custody; and

(C) proceeds of bonds or notes;

in the manner provided by an investment policy established by resolution of the authority;

(24) to make or participate in the making of construction loans, mortgage loans, or both, to individuals, partnerships, limited liability companies, corporations, and organizations for the construction of residential facilities for the developmentally disabled or for the mentally ill or for the acquisition or renovation, or both, of a facility to make it suitable for use as a new residential facility for the developmentally disabled or for the mentally ill;

(25) to make or participate in the making of construction and mortgage loans to individuals, partnerships, corporations, limited liability companies, and organizations for the construction, rehabilitation, or acquisition of residential facilities for children;

(26) to purchase or participate in the purchase of mortgage loans from:

(A) public utilities (as defined in IC 8-1-2-1); or

(B) municipally owned gas utility systems organized under IC 8-1.5;

if those mortgage loans were made for the purpose of insulating and otherwise weatherizing single family residences in order to conserve energy used to heat and cool those residences;

(27) to provide financial assistance to mutual housing associations (IC 5-20-3) in the form of grants, loans, or a combination of grants and loans for the development of housing for low and moderate income families;

(28) to service mortgage loans made or acquired by the authority and to impose and collect reasonable fees and charges in



connection with such servicing; ~~and~~

(29) subject to the authority's investment policy, to enter into swap agreements (as defined in IC 8-9.5-9-4) in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7;

(30) to promote and foster community revitalization through community services and real estate development;

(31) to coordinate and establish linkages between governmental and other social services programs to ensure the effective delivery of services to low income individuals;

(32) to cooperate with local housing officials and plan commissions in the development of projects that the officials or commissions have under consideration;

(33) to take actions necessary to implement its powers that the authority determines to be appropriate and necessary to ensure the availability of state or federal financial assistance; and

(34) to administer any program or money designated by the state or available from the federal government or other sources that is consistent with the authority's powers and duties.

The omission of a power from the list in this subsection does not imply that the authority lacks that power. The authority may exercise any power that is not listed in this subsection but is consistent with the powers listed in this subsection to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(b) The authority shall structure and administer any program conducted under subsection (a)(3) or (a)(4) in order to assure that no mortgage loan shall knowingly be made to a person whose adjusted family income shall exceed one hundred twenty-five percent (125%) of the median income for the geographic area within which the person resides and at least forty percent (40%) of the mortgage loans so financed shall be for persons whose adjusted family income shall be below eighty percent (80%) of the median income for such area.

(c) In addition to the powers set forth in subsection (a), the authority may, with the proceeds of bonds and notes sold to retirement plans covered by IC 5-10-1.7, structure and administer a program of purchasing or participating in the purchasing from mortgage lenders of mortgage loans made to qualified members of retirement plans and other individuals. The authority shall structure and administer any program conducted under this subsection to assure that:

(1) each mortgage loan is made as a first mortgage loan for real property:

(A) that is a single family dwelling, including a condominium or townhouse, located in Indiana;

(B) for a purchase price of not more than ninety-five thousand dollars (\$95,000);

(C) to be used as the purchaser's principal residence; and



- 1 (D) for which the purchaser has made a down payment in an
 2 amount determined by the authority;
- 3 (2) no mortgage loan exceeds seventy-five thousand dollars
 4 (\$75,000);
- 5 (3) any bonds or notes issued which are backed by mortgage loans
 6 purchased by the authority under this subsection shall be offered
 7 for sale to the retirement plans covered by IC 5-10-1.7; and
- 8 (4) qualified members of a retirement plan shall be given
 9 preference with respect to the mortgage loans that in the
 10 aggregate do not exceed the amount invested by their retirement
 11 plan in bonds and notes issued by the authority that are backed by
 12 mortgage loans purchased by the authority under this subsection.
- 13 (d) As used in this section, "a qualified member of a retirement
 14 plan" means an active or retired member:
- 15 (1) of a retirement plan covered by IC 5-10-1.7 that has invested
 16 in bonds and notes issued by the authority that are backed by
 17 mortgage loans purchased by the authority under subsection (c);
 18 and
- 19 (2) who for a minimum of two (2) years preceding the member's
 20 application for a mortgage loan has:
- 21 (A) been a full-time state employee, teacher, judge, police
 22 officer, or firefighter;
- 23 (B) been a full-time employee of a political subdivision
 24 participating in the public employees' retirement fund;
- 25 (C) been receiving retirement benefits from the retirement
 26 plan; or
- 27 (D) a combination of employment and receipt of retirement
 28 benefits equaling at least two (2) years.
- 29 (e) ~~Beginning with the 1991 program year~~, The authority, when
 30 directed by the governor, shall administer
- 31 ~~(1) the rental rehabilitation program established by the Housing~~
 32 ~~Assistance Act of 1937 (42 U.S.C. 1437o); and~~
 33 ~~(2) federal funds allocated to the rental rehabilitation program~~
 34 ~~under the Housing Assistance Act of 1937 (42 U.S.C. 1437o);~~
 35 ~~programs and funds under 42 U.S.C. 1437 et seq.~~
- 36 ~~(f) The authority may contract with the division of family resources~~
 37 ~~and the department of commerce so that the authority may administer~~
 38 ~~the program and funds described under subsection (e) for program~~
 39 ~~years before 1991.~~
- 40 (g) (f) ~~Beginning May 15, 2005~~, The authority shall identify,
 41 promote, assist, and fund home ownership education programs
 42 conducted throughout Indiana by nonprofit counseling agencies
 43 certified by the authority using funds appropriated under section 27 of
 44 this chapter. The attorney general and the entities listed in
 45 IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall cooperate with the
 46 authority in implementing this subsection.



SECTION 29. IC 5-20-2-5, AS AMENDED BY P.L.1-2006, SECTION 107, AND AS AMENDED BY P.L.181-2006, SECTION 22, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Bonds shall not be issued by a county, city, town, or consolidated city for home mortgages under this chapter if at the time of issuance and delivery there remains unexpended or uncommitted more than five percent (5%) of the net proceeds of a prior bond issued by that county, city, town, or consolidated city under this chapter.

(b) Bonds shall not be issued under this chapter for home mortgages in an amount in excess of twenty-five percent (25%) of the average annual amount of mortgage lending in the county or municipality in the most recent three (3) year period for which the governing body shall by ordinance determine from the Home Mortgage Disclosure Act, Public Law 94-200.

(c) No issue shall be approved by the *Indiana housing and community development* authority if the amount of the issue exceeds the total amount of bond issues permissible under this chapter in the calendar year during which the proposed bonds will be issued. The total amount of bonds permissible under this chapter in any calendar year shall be fifty dollars (\$50) multiplied by the population of the state of Indiana as determined by the most recent federal decennial census.

(d) There is a five percent (5%) down payment requirement. An issue meets this requirement only if seventy-five percent (75%) or more of the owner-occupied financing provided by the issue is ninety-five percent (95%) financing. For purposes of this subsection, financing of a residence is ninety-five percent (95%) financing if such financing is ninety-five percent (95%) or more of the acquisition cost of such residence. A larger down payment is permitted in the case of alternative mortgage instruments as provided by law.

(e) No mortgage shall be made under this chapter the amount of which exceeds two and one-half (2 1/2) times the amount of the annual income of the prospective mortgagor. In addition, no financing shall be provided under this chapter to a prospective mortgagor who is already a mortgagor with respect to an existing mortgage financed under this chapter.

(f) The effective rate of interest on mortgages provided from a particular bond issue under this chapter may not exceed the yield on the issue by more than one (1) percentage point. For purposes of this subsection, the effective rate of mortgage interest and the bond yield shall be determined in accordance with reasonable procedures adopted by the *Indiana housing and community development* authority. However, the *Indiana housing and community development* authority may waive the restriction in this subsection if it determines that:

(1) waiver of the restriction with respect to a proposed issue is in the best interests of the citizens of the issuing jurisdiction and the



1 state of Indiana; and

2 (2) the proposed issue is not marketable without waiver of the
3 restriction.

4 (g) An issue meets the requirements of this section only if a
5 preliminary official statement of such issue has been submitted to the
6 *Indiana housing and community development* authority, and:

7 (1) such authority has, within thirty (30) days after the date of
8 such submission, issued an opinion that such issue meets the
9 requirements of ~~this sections~~ *section and section 4 and 5* of this
10 chapter; or

11 (2) thirty (30) days have elapsed since such submission and
12 during this thirty (30) day period the authority has not issued an
13 opinion that the issue does not meet the requirements of ~~this~~
14 ~~sections~~ *section and section 4 and 5* of this chapter.

15 SECTION 30. IC 5-20-4-3, AS AMENDED BY P.L.1-2006,
16 SECTION 113, AND AS AMENDED BY P.L.181-2006, SECTION
17 29, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter,
19 ~~"housing and community development"~~ "authority" refers to the Indiana
20 housing and community development authority established under
21 IC 5-20-1.

22 SECTION 31. IC 5-20-4-7, AS AMENDED BY P.L.1-2006,
23 SECTION 114, AND AS AMENDED BY P.L.181-2006, SECTION
24 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) There is established the
26 *affordable housing trust and community development* fund. The fund
27 shall be administered by the *Indiana housing and community*
28 *development* authority under the direction of the *Indiana housing and*
29 *community development* authority's board.

30 (b) The fund consists of the following resources:

31 (1) Appropriations from the general assembly.

32 (2) Gifts, ~~and grants, to the fund: and donations of any tangible~~
33 ~~or intangible property from public or private sources.~~

34 (3) Investment income earned on the fund's assets.

35 (4) Repayments of loans from the fund.

36 (5) Funds borrowed from the board for depositories insurance
37 fund (IC 5-13-12-7).

38 (c) The treasurer of state shall invest the money in the fund not
39 currently needed to meet the obligations of the fund in the same
40 manner as other public funds may be invested.

41 (d) The money remaining in the fund at the end of a fiscal year does
42 not revert to the state general fund.

43 (e) Interest earned on the fund may be used by the *Indiana housing*
44 *and community development* authority to pay expenses incurred in the
45 administration of the fund.

46 SECTION 32. IC 5-20-4-9, AS AMENDED BY P.L.1-2006,



SECTION 115, AND AS AMENDED BY P.L.181-2006, SECTION 33, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The board for depositories shall determine the terms of the loan from the board for depositories insurance fund under section 8 of this chapter that must include the following:

(1) That the duration of the loan may not exceed twenty (20) years from the date of the execution of the agreement between the *Indiana housing and community development* authority and the public deposit insurance fund operated by the board for depositories.

(2) The repayment schedule of the loan that:

(A) shall not require repayment of any principal; and

(B) must allow any principal to be repaid by the *housing trust* fund at any time;

before the end of the term for the loan.

(3) That no interest may be charged.

(4) The amount of the loan, which may not exceed five million dollars (\$5,000,000).

SECTION 33. IC 5-20-4-10.1, AS AMENDED BY P.L.1-2006, SECTION 116, AND AS AMENDED BY P.L.181-2006, SECTION 34, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.1. The *Indiana housing and community development* authority and the board for depositories shall establish procedures to insure repayment of the loan principal at the end of the loan term. The procedures may include purchase of a zero coupon bond to insure the loan principal, a requirement that a percentage of the loans issued by the *Indiana housing and community development* authority be made through a linked deposit program in certificates of deposit, or other procedures that the *Indiana housing and community development* authority and the board for depositories may determine appropriate.

SECTION 34. IC 5-20-4-11, AS AMENDED BY P.L.1-2006, SECTION 117, AND AS AMENDED BY P.L.181-2006, SECTION 35, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) At least fifty percent (50%) of the resources of the fund shall be allocated to recognized nonprofit corporations under Section 501(c) of the Internal Revenue Code.

(b) The resources of the fund that are not allocated under subsection (a) may be allocated to private developers of housing and private development entities as determined by the *Indiana housing and community development* authority.

SECTION 35. IC 5-20-4-12, AS AMENDED BY P.L.1-2006, SECTION 118, AND AS AMENDED BY P.L.181-2006, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 12. Rental housing that is developed with money from the *housing trust* fund shall be made available for occupancy to low income families or very low income families for at least fifteen (15) years. In the event of foreclosure or equivalent action, the remaining affordability period may be waived by the *Indiana housing and community development* authority.

SECTION 36. IC 5-20-4-13, AS AMENDED BY P.L.1-2006, SECTION 119, AND AS AMENDED BY P.L.181-2006, SECTION 37, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. A developer *of housing* that uses funds from the *housing trust* fund shall certify to the *Indiana housing and community development* authority that the developer will comply with the following:

(1) The federal Civil Rights Act of 1968 (P.L. 90-284).

(2) The federal Fair Housing Amendments of 1988 (P.L. 100-430).

(3) The Indiana Civil Rights Law (IC 22-9-1).

SECTION 37. IC 5-20-4-14, AS AMENDED BY P.L.1-2006, SECTION 120, AND AS AMENDED BY P.L.181-2006, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The *Indiana housing and community development* authority shall establish written policies and procedures to implement this chapter. These policies and procedures shall include the following:

(1) The development of an application process for requesting financial assistance under this chapter.

(2) The establishment of a procedure for disbursing financial assistance under this chapter.

(3) The establishment of a rate of interest for a loan under this chapter.

(4) The establishment of loan underwriting criteria to protect the assets of the fund. The *Indiana housing and community development* authority shall require a lien or other security when appropriate and in the amounts the authority determines appropriate.

(5) A requirement that a financial institution holding an obligation that is guaranteed under this chapter must adequately secure the obligation.

(6) Standards requiring a local match for any assistance under this chapter and establishing the level of local match required.

(7) The establishment of a cap on the amount of financial assistance that any recipient may receive.

(8) *The establishment of procedures to do the following:*

(A) *Ensure that an equitable part of all funds are distributed to rural areas of Indiana.*

(B) *Enable the authority to use the fund to provide matching*



funds to local housing trust funds in Indiana.

(C) Promote community economic development.

SECTION 38. IC 6-1.1-4-28.5, AS AMENDED BY P.L.1-2006, SECTION 131, AND AS AMENDED BY P.L.154-2006, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.5. (a) Money assigned to a property reassessment fund under section 27.5 of this chapter may be used only to pay the costs of:

(1) the general reassessment of real property, including the computerization of assessment records;

(2) payments to county assessors, members of property tax assessment boards of appeals, or assessing officials under IC 6-1.1-35.2;

(3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;

(4) the updating of plat books;

(5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist county assessors, members of a county property tax assessment board of appeals, and assessing officials;

(6) making annual adjustments under section 4.5 of this chapter; and

(7) the verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to the county assessor under IC 6-1.1-5.5-3.

Money in a property tax reassessment fund may not be transferred or reassigned to any other fund and may not be used for any purposes other than those set forth in this section.

(b) All counties shall use modern, detailed soil maps in the general reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance with IC 5-13-9, invest any money accumulated in the property reassessment fund. ~~until the money is needed to pay general reassessment expenses.~~ Any interest received from investment of the money shall be paid into the property reassessment fund.

~~(d) An appropriation under this section must be approved by the fiscal body of the county after the review and recommendation of the county assessor. However, in a county with an elected township assessor in every township, the county assessor does not review an appropriation under this section, and only the fiscal body must approve an appropriation under this section.~~

SECTION 39. IC 6-1.1-12-12, AS AMENDED BY P.L.141-2006, SECTION 9, AND AS AMENDED BY P.L.145-2006, SECTION 16, AND AS AMENDED BY P.L.154-2006, SECTION 14, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Except as provided in



section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before ~~May~~ June 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family ~~and children~~, resources, or the division of disability ~~aging~~, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that ~~he~~ the individual is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 40. IC 6-1.1-12.4-3, AS AMENDED BY P.L.154-2006, SECTION 37, AND AS AMENDED BY P.L.169-2006, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

- (1) was never before used by its owner for any purpose in Indiana; and
- (2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in



which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

(1) two million dollars (\$2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the purchase of the personal property; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

(1) identify the personal property eligible for the deduction to the county auditor; and

(2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to *personal property* at a facility listed in IC 6-1.1-12.1-3(e).

SECTION 41. IC 6-1.1-17-16, AS AMENDED BY P.L.2-2006, SECTION 38, AND AS AMENDED BY P.L.154-2006, SECTION 44, AND AS AMENDED BY P.L.169-2006, SECTION 9, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.



(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), ~~IC 6-1.1-19, IC 20-45, IC 20-46, or IC 6-1.1-18.5,~~ the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. *However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b).* The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ~~one (1) week~~ two (2) weeks from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office. ~~specifying how to make the required reductions in the amount budgeted by fund.~~ *The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error.* The department of local government finance shall ~~make reductions~~ *consider the adjustments* as specified in the political subdivision's response if the response is provided as required by this subsection and ~~sufficiently specifies all necessary reductions.~~ *The department of local government finance may make a revision, a reduction, or an increase in a political subdivision's budget only by fund; shall deliver a final decision to the political subdivision.*

(e) The department of local government finance may not approve a



levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

- (1) the county auditor;
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;
- (3) the *taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on a petition filed under section 13 of this chapter; the statement filed to initiate the appeal;* and
- (4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

- (1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.
- (2) If the department:
 - (A) acts under an appeal initiated by *one (1) or more* taxpayers under section 13 of this chapter; *or*
 - (B) *fails to act on the appeal before the department certifies its action under subsection (f);*

a taxpayer who signed the *petition under that section: statement filed to initiate the appeal.*

- (3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.
- (4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally



fixed by the political subdivision if the increase is:

(1) requested in writing by the officers of the political subdivision;

(2) either:

(A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or

(B) results from an inadvertent mathematical error made in determining the levy; and

(3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in IC 6-1.1-17-12 is published at least ten (10) days before the date of the hearing.

SECTION 42. IC 6-1.1-20.6-9, AS AMENDED BY P.L.162-2006, SECTION 12, AND AS AMENDED BY P.L.2-2006, SECTION 56, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) *This section applies only to credits under this chapter against property taxes first due and payable before January 1, 2007.*

(b) The fiscal body of a county may adopt an ordinance to authorize the county fiscal officer to borrow money repayable over a term not to exceed five (5) years in an amount sufficient to compensate the political subdivisions located wholly or in part in the county for the reduction of property tax collections in a calendar year that results from the application of the credit under this chapter for that calendar year.

~~(b)~~ (c) The county fiscal officer shall distribute in a calendar year to each political subdivision located wholly or in part in the county loan proceeds under subsection ~~(a)~~ (b) for that calendar year in the amount by which the property tax collections of the political subdivision in that calendar year are reduced as a result of the application of the credit under this chapter for that calendar year.

~~(c)~~ (d) If the county fiscal officer distributes money to political subdivisions under subsection ~~(b)~~ (c), the political subdivisions that receive the distributions shall repay the loan under subsection ~~(a)~~ (b) over the term of the loan. Each political subdivision that receives a distribution under subsection ~~(b)~~ (c):

(1) shall:

(A) appropriate for each year in which the loan is to be repaid



an amount sufficient to pay the part of the principal and interest on the loan attributable to the distribution received by the political subdivision under subsection ~~(b)~~; (c); and (B) raise property tax revenue in each year in which the loan is to be repaid in the amount necessary to meet the appropriation under clause (A); and

(2) other than the county, shall transfer to the county fiscal officer money dedicated under this section to repayment of the loan in time to allow the county to meet the loan repayment schedule.

~~(d)~~ (e) Property taxes imposed under subsection ~~(c)(1)(B)~~ (d)(1)(B) are subject to levy limitations under IC 6-1.1-18.5 or ~~IC 6-1.1-19~~ IC 20-45-3.

~~(e)~~ (f) The obligation to:

(1) repay; or

(2) contribute to the repayment of;

the loan under subsection ~~(a)~~ (b) is not a basis for a political subdivision to obtain an excessive tax levy under IC 6-1.1-18.5 or ~~IC 6-1.1-19~~ IC 20-45-6.

~~(f)~~ (g) The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.

(h) *The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction referred to in ~~subsection (b)~~ subsection (c) for the political subdivision for that year.*

SECTION 43. IC 6-1.1-21-2, AS AMENDED BY P.L.67-2006, SECTION 4, AND AS AMENDED BY P.L.2-2006, SECTION 57, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5 is to be filed ~~on or before March 1 of~~ each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change



assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus

(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county) (*before its repeal*); minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5, or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (repealed) were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not



1 initially established or reestablished for a stated assessment
 2 year that succeeds the 1983 stated assessment year; minus
 3 (ii) the total property taxes imposed in the county for the
 4 1984 stated assessment year under the authority of IC 21-2-6
 5 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a
 6 cumulative building fund whose property tax rate was not
 7 initially established or reestablished for a stated assessment
 8 year that succeeds the 1983 stated assessment year; minus
 9 (G) the amount of property taxes imposed in the county for the
 10 stated assessment year under:
 11 (i) IC 21-2-15 (*before its repeal*) or IC 20-46-6 for a capital
 12 projects fund; plus
 13 (ii) IC 6-1.1-19-10 (*before its repeal*) or IC 20-46-3 for a
 14 racial balance fund; plus
 15 (iii) IC 36-12-12 for a library capital projects fund; plus
 16 (iv) IC 36-10-13-7 for an art association fund; plus
 17 (v) IC 21-2-17 (*before its repeal*) or IC 20-46-2 for a special
 18 education preschool fund; plus
 19 (vi) IC 21-2-11.6 (*before its repeal*) or IC 20-46-1 for a
 20 referendum tax levy fund; plus
 21 (vii) an appeal filed under IC 6-1.1-19-5.1 (*before its repeal*)
 22 or IC 20-45-6-8 for an increase in a school corporation's
 23 maximum permissible ~~general fund~~ tuition support levy for
 24 certain transfer tuition costs; plus
 25 (viii) an appeal filed under IC 6-1.1-19-5.4 (*before its*
 26 *repeal*) or IC 20-46-4-10 for an increase in a school
 27 corporation's maximum permissible ~~general~~ transportation
 28 fund levy for transportation operating costs; minus
 29 (H) the amount of property taxes imposed by a school
 30 corporation that is attributable to the passage, after 1983, of a
 31 referendum for an excessive tax levy under ~~IC 6-1.1-19~~
 32 ~~IC 6-1.1-19-4.5~~ (*before its repeal*), including any increases in
 33 these property taxes that are attributable to the adjustment set
 34 forth in IC 6-1.1-19-1.5 (*before its repeal*), IC 20-45-3, or any
 35 other law; minus
 36 (I) for each township in the county, the lesser of:
 37 (i) the sum of the amount determined in IC 6-1.1-18.5-19(a)
 38 STEP THREE (*as effective January 1, 1990*) or
 39 IC 6-1.1-18.5-19(b) STEP THREE (*as effective January 1,*
 40 *1990*), whichever is applicable, plus the part, if any, of the
 41 township's ad valorem property tax levy for calendar year
 42 1989 that represents increases in that levy that resulted from
 43 an appeal described in IC 6-1.1-18.5-13(4) (*as effective*
 44 *before January 1, 1989*), filed after December 31, 1982; or
 45 (ii) the amount of property taxes imposed in the township for
 46 the stated assessment year under the authority of



- 1 IC 36-8-13-4; minus
 2 (J) for each participating unit in a fire protection territory
 3 established under IC 36-8-19-1, the amount of property taxes
 4 levied by each participating unit under IC 36-8-19-8 and
 5 IC 36-8-19-8.5 less the maximum levy limit for each of the
 6 participating units that would have otherwise been available
 7 for fire protection services under IC 6-1.1-18.5-3 and
 8 IC 6-1.1-18.5-19 for that same year; minus
 9 (K) for each county, the sum of:
 10 (i) the amount of property taxes imposed in the county for
 11 the repayment of loans under IC 12-19-5-6 (repealed) that is
 12 included in the amount determined under IC 12-19-7-4(a)
 13 STEP SEVEN *(as effective January 1, 1995)* for property
 14 taxes payable in 1995, or for property taxes payable in each
 15 year after 1995, the amount determined under
 16 IC 12-19-7-4(b) *(as effective before March 16, 2004)* and
 17 IC 12-19-7-4 *(as effective after March 15, 2004)*; and
 18 (ii) the amount of property taxes imposed in the county
 19 attributable to appeals granted under IC 6-1.1-18.6-3 *(before*
 20 *its repeal)* that is included in the amount determined under
 21 IC 12-19-7-4(a) STEP SEVEN *(as effective January 1,*
 22 *1995)* for property taxes payable in 1995, or the amount
 23 determined under IC 12-19-7-4(b) *(as effective before*
 24 *March 16, 2004)* and IC 12-19-7-4 *(as effective after March*
 25 *15, 2004)* for property taxes payable in each year after 1995;
 26 plus
 27 (2) all taxes to be paid in the county in respect to mobile home
 28 assessments currently assessed for the year in which the taxes
 29 stated in the abstract are to be paid; plus
 30 (3) the amounts, if any, of county adjusted gross income taxes that
 31 were applied by the taxing units in the county as property tax
 32 replacement credits to reduce the individual levies of the taxing
 33 units for the assessment year, as provided in IC 6-3.5-1.1; plus
 34 (4) the amounts, if any, by which the maximum permissible ad
 35 valorem property tax levies of the taxing units of the county were
 36 reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated
 37 assessment year; plus
 38 (5) the difference between:
 39 (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR;
 40 minus
 41 (B) the amount the civil taxing units' levies were increased
 42 because of the reduction in the civil taxing units' base year
 43 certified shares under IC 6-1.1-18.5-3(e).
 44 (h) "December settlement sheet" means the certificate of settlement
 45 filed by the county auditor with the auditor of state, as required under
 46 IC 6-1.1-27-3.



(i) "Tax duplicate" means the roll of property taxes ~~which that~~ each county auditor is required to prepare ~~on or before March 1 of~~ each year under IC 6-1.1-22-3.

(j) "Eligible property tax replacement amount" is, except as otherwise provided by law, equal to the sum of the following:

(1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.

(2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.

(3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

(k) "Business personal property" means tangible personal property (other than real property) that is being:

(1) held for sale in the ordinary course of a trade or business; or
(2) held, used, or consumed in connection with the production of income.

(l) "Taxpayer's property tax replacement credit amount" means, except as otherwise provided by law, the sum of the following:

(1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.

(2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property.

(3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

(o) "Board" refers to the property tax replacement fund board established under section 10 of this chapter.

SECTION 44. IC 6-1.1-22-8, AS AMENDED BY P.L.162-2006, SECTION 15, AND AS AMENDED BY P.L.169-2006, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The county treasurer shall either:

(1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

(1) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;

(B) the entity levying the tax owed; ~~and~~

(C) the dollar amount of the tax owed; *and*

(D) *the dollar amount of each special assessment owed.*

(2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of



subsubsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

(A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

(1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

(2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(4) An explanation of the following:

(A) The homestead credit and all property tax deductions.



- 1 (B) The procedure and deadline for filing for the homestead
 2 credit and each deduction.
 3 (C) The procedure that a taxpayer must follow to:
 4 (i) appeal a current assessment; or
 5 (ii) petition for the correction of an error related to the
 6 taxpayer's property tax and special assessment liability.
 7 (D) The forms that must be filed for an appeal or a petition
 8 described in clause (C).
 9 The department of local government finance shall provide the
 10 explanation required by this subdivision to each county treasurer.
 11 (5) A checklist that shows:
 12 (A) the homestead credit and all property tax deductions; and
 13 (B) whether the homestead credit and each property tax
 14 deduction applies in the current statement for the property
 15 transmitted under subsection (a)(1) or (a)(2).
 16 (f) The information required to be mailed under subsection (e) must
 17 be simply and clearly presented and understandable to the average
 18 individual.
 19 (g) A county that incurs:
 20 (1) initial computer programming costs directly related to
 21 implementation of the requirements of subsection (e); or
 22 (2) printing costs directly related to mailing information under
 23 subsection (e);
 24 shall submit an itemized statement of the costs to the department of
 25 local government finance for reimbursement from the state. The
 26 treasurer of state shall pay a claim approved by the department of local
 27 government finance and submitted under this section on a warrant of
 28 the auditor of state. However, the treasurer of state may not pay any
 29 additional claims under this subsection after the total amount of claims
 30 paid reaches fifty thousand dollars (\$50,000).
 31 *(h) This section expires January 1, 2008.*
 32 SECTION 45. IC 6-1.1-22-9.5, AS AMENDED BY P.L.67-2006,
 33 SECTION 8, AND AS AMENDED BY P.L.2-2006, SECTION 65, IS
 34 CORRECTED AND AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This section applies
 36 only to property taxes first due and payable in a year that begins after
 37 December 31, 2003:
 38 (1) with respect to a homestead (as defined in IC 6-1.1-20.9-1);
 39 and
 40 (2) that are not payable in one (1) installment under section ~~9(b)~~
 41 ~~9(c)~~ of this chapter.
 42 (b) At any time before the mailing or transmission of tax statements
 43 for a year under section 8 of this chapter, a county may petition the
 44 department of local government finance to establish a schedule of
 45 installments for the payment of property taxes with respect to:
 46 (1) real property that are based on the assessment of the property



1 in the immediately preceding year; or

2 (2) a mobile home or manufactured home that is not assessed as
3 real property that are based on the assessment of the property in
4 the current year.

5 The county fiscal body (as defined in IC 36-1-2-6) ~~the county auditor,~~
6 ~~and the county treasurer~~ must approve a petition under this subsection.

7 (c) The department of local government finance:

8 (1) may not establish a date for:

9 (A) an installment payment that is earlier than May 10 of the
10 year in which the tax statement is mailed or transmitted;

11 (B) the first installment payment that is later than November
12 10 of the year in which the tax statement is mailed or
13 transmitted; or

14 (C) the last installment payment that is later than May 10 of
15 the year immediately following the year in which the tax
16 statement is mailed or transmitted; and

17 (2) shall:

18 (A) prescribe the form of the petition under subsection (b);

19 (B) determine the information required on the form; and

20 (C) notify the county fiscal body, the county auditor, and the
21 county treasurer of the department's determination on the
22 petition not later than twenty (20) days after receiving the
23 petition.

24 (d) Revenue from property taxes paid under this section in the year
25 immediately following the year in which the tax statement is mailed or
26 transmitted under section 8 of this chapter:

27 (1) is not considered in the determination of a levy excess under
28 IC 6-1.1-18.5-17 or ~~IC 6-1.1-19-1.7~~ IC 20-44-3 for the year in
29 which the property taxes are paid; and

30 (2) may be:

31 (A) used to repay temporary loans entered into by a political
32 subdivision for; and

33 (B) expended for any other reason by a political subdivision in
34 the year the revenue is received under an appropriation from;
35 the year in which the tax statement is mailed or transmitted under
36 section 8 of this chapter.

37 SECTION 46. IC 6-1.1-37-10, AS AMENDED BY P.L.154-2006,
38 SECTION 55, AND AS AMENDED BY P.L.67-2006, SECTION 11,
39 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
40 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in
41 ~~section~~ sections 10.5 and 10.7 of this chapter, if an installment of
42 property taxes is not completely paid on or before the due date, a
43 penalty ~~equal to ten percent (10%) of the amount of delinquent taxes~~
44 shall be added to the unpaid portion in the year of the initial
45 delinquency. *The penalty is equal to an amount determined as follows:*

46 (1) If:



- 1 (A) an installment of property taxes is completely paid on or
2 before the date thirty (30) days after the due date; and
3 (B) the taxpayer is not liable for delinquent property taxes
4 first due and payable in a previous year for the same parcel;
5 the amount of the penalty is equal to five percent (5%) of the
6 amount of delinquent taxes.
7 (2) If subdivision (1) does not apply, the amount of the penalty is
8 equal to ten percent (10%) of the amount of delinquent taxes.
- 9 (b) With respect to property taxes due in two (2) equal installments
10 under IC 6-1.1-22-9(a), on the day immediately following the due dates
11 in May and November of each year following the year of the initial
12 delinquency, an additional penalty equal to ten percent (10%) of any
13 taxes remaining unpaid shall be added. With respect to property taxes
14 due in installments under IC 6-1.1-22-9.5, an additional penalty equal
15 to ten percent (10%) of any taxes remaining unpaid shall be added on
16 the day immediately following each date that succeeds the last
17 installment due date by:
18 (1) six (6) months; or
19 (2) a multiple of six (6) months.
- 20 (c) The penalties under subsection (b) are imposed only on the
21 principal amount of the delinquent taxes.
- 22 (d) If the department of local government finance determines that
23 an emergency has occurred which precludes the mailing of the tax
24 statement in any county at the time set forth in IC 6-1.1-22-8, the
25 department shall establish by order a new date on which the installment
26 of taxes in that county is due and no installment is delinquent if paid by
27 the date so established.
- 28 (e) If any due date falls on a Saturday, a Sunday, a national legal
29 holiday recognized by the federal government, or a statewide holiday,
30 the act that must be performed by that date is timely if performed by
31 the next succeeding day that is not a Saturday, a Sunday, or one (1) of
32 those holidays.
- 33 (f) *Subject to subsections (g) and (h)*, a payment to the county
34 treasurer is considered to have been paid by the due date if the payment
35 is:
36 (1) received on or before the due date ~~to~~ by the county treasurer
37 or a collecting agent appointed by the county treasurer;
38 (2) deposited in ~~the~~ United States *first class* mail:
39 (A) properly addressed to the principal office of the county
40 treasurer;
41 (B) with sufficient postage; and
42 (C) ~~certified or~~ postmarked by the United States Postal Service
43 as mailed on or before the due date; ~~or~~
44 (3) deposited with a nationally recognized express parcel carrier
45 and is:
46 (A) properly addressed to the principal office of the county



1 treasurer; and

2 (B) verified by the express parcel carrier as:

3 (i) paid in full for final delivery; and

4 (ii) received by the express parcel carrier on or before the
5 due date;

6 (4) deposited to be mailed through United States registered mail,
7 United States certified mail, or United States certificate of
8 mailing:

9 (A) properly addressed to the principal office of the county
10 treasurer;

11 (B) with sufficient postage; and

12 (C) with a date of registration, certification, or certificate, as
13 evidenced by any record authenticated by the United States
14 Postal Service, on or before the due date; or

15 (5) made by an electronic ~~fund~~ funds transfer and the taxpayer's
16 bank account is charged on or before the due date.

17 For purposes of this subsection, "postmarked" does not mean the date
18 printed by a postage meter that affixes postage to the envelope or
19 package containing a payment.

20 (g) If a payment is mailed through the United States mail and is
21 physically received after the due date without a legible correct
22 postmark, the person who mailed the payment is considered to have
23 made the payment on or before the due date if the person can show by
24 reasonable evidence that the payment was deposited in the United
25 States mail on or before the due date.

26 (h) If a payment is sent via the United States mail or a nationally
27 recognized express parcel carrier but is not received by the designated
28 recipient, the person who sent the payment is considered to have made
29 the payment on or before the due date if the person:

30 (1) can show by reasonable evidence that the payment was
31 deposited in the United States mail, or with the express parcel
32 carrier, on or before the due date; and

33 (2) makes a duplicate payment within thirty (30) days after the
34 date the person is notified that the payment was not received.

35 SECTION 47. IC 6-2.5-4-5, AS AMENDED BY P.L.162-2006,
36 SECTION 21, AND AS AMENDED BY P.L.180-2006, SECTION 3,
37 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this section,
39 a "power subsidiary" means a corporation which is owned or controlled
40 by one (1) or more public utilities that furnish or sell electrical energy,
41 natural or artificial gas, water, steam, or steam heat and which produces
42 power exclusively for the use of those public utilities.

43 (b) A power subsidiary or a person engaged as a public utility is a
44 retail merchant making a retail transaction when the subsidiary or
45 person furnishes or sells electrical energy, natural or artificial gas,
46 water, steam, or steam heating service to a person for commercial or



1 domestic consumption.

2 (c) Notwithstanding subsection (b), a power subsidiary or a person
3 engaged as a public utility is not a retail merchant making a retail
4 transaction in any of the following transactions:

5 (1) The power subsidiary or person provides, installs, constructs,
6 services, or removes tangible personal property which is used in
7 connection with the furnishing of the services or commodities
8 listed in subsection (b).

9 (2) The power subsidiary or person sells the services or
10 commodities listed in subsection (b) to another public utility or
11 power subsidiary described in this section or a person described
12 in section 6 of this chapter.

13 (3) The power subsidiary or person sells the services or
14 commodities listed in subsection (b) to a person for use in
15 manufacturing, mining, production, refining, oil extraction,
16 mineral extraction, irrigation, agriculture, or horticulture.
17 However, this exclusion for sales of the services and commodities
18 only applies if the services are consumed as an essential and
19 integral part of an integrated process that produces tangible
20 personal property and those sales are separately metered for the
21 excepted uses listed in this subdivision, or if those sales are not
22 separately metered but are predominately used by the purchaser
23 for the excepted uses listed in this subdivision.

24 (4) The power subsidiary or person sells the services or
25 commodities listed in subsection (b) and all the following
26 conditions are satisfied:

27 (A) The services or commodities are sold to a business that
28 after June 30, 2004:

29 (i) relocates all or part of its operations to a facility; or

30 (ii) expands all or part of its operations in a facility;

31 located in a military base (as defined in IC 36-7-30-1(c)), a
32 military base reuse area established under IC 36-7-30, the part
33 of an economic development area established under
34 IC 36-7-14.5-12.5 that is or formerly was a military base (as
35 defined in IC 36-7-30-1(c)), a military base recovery site
36 designated under IC 6-3.1-11.5, or a qualified military base
37 enhancement area established under IC 36-7-34.

38 (B) The business uses the services or commodities in the
39 facility described in clause (A) not later than five (5) years
40 after the operations that are relocated to the facility or
41 expanded in the facility commence.

42 (C) The sales of the services or commodities are separately
43 metered for use by the relocated or expanded operations.

44 (D) In the case of a business that uses the services or
45 commodities in a qualified military base enhancement area
46 *established under IC 36-7-34-4(1)*, the business must satisfy



at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business is a United States Department of Defense contractor.

(iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(E) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(2), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

(5) The power subsidiary or person sells services or commodities that:

(A) are referred to in subsection (b); and

(B) qualify as home energy (as defined in IC 6-2.5-5-16.5); to a person who acquires the services or commodities after June 30, 2006, and before July 1, 2007, through home energy assistance (as defined in IC 6-2.5-5-16.5).

SECTION 48. IC 6-2.5-7-1, AS AMENDED BY P.L.122-2006, SECTION 2, AND AS AMENDED BY P.L.176-2006, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Kerosene" has the same meaning as the definition contained in IC 16-44-2-2.

(c) "Gasoline" has the same meaning as the definition contained in IC 6-6-1.1-103.

(d) "Special fuel" has the same meaning as the definition contained in IC 6-6-2.5-22.



(e) "E85" has the meaning set forth in IC 6-6-1.1-103.

~~(e)~~ (f) "Unit" means the unit of measure, such as a gallon or a liter, by which gasoline or special fuel is sold.

~~(f)~~ (g) "Metered pump" means a stationary pump which is capable of metering the amount of gasoline or special fuel dispensed from it and which is capable of simultaneously calculating and displaying the price of the gasoline or special fuel dispensed.

~~(g)~~ (h) "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.

~~(h)~~ (i) "Indiana special fuel tax" means the tax imposed under IC 6-6-2.5.

~~(i)~~ (j) "Federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.

~~(j)~~ (k) "Federal special fuel tax" means the excise tax imposed under Section 4041 of the Internal Revenue Code.

~~(k)~~ (l) "Price per unit before the addition of state and federal taxes" means an amount which equals the remainder of:

~~(i)~~ (1) the total price per unit; minus

~~(ii)~~ (2) the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the total price per unit.

~~(l)~~ (m) "Total price per unit" means the price per unit at which gasoline or special fuel is actually sold, including the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the sales price.

~~(m)~~ (n) "Distributor" means a person who is the first purchaser of gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.

~~(n)~~ (o) "Prepayment rate" means a rate per gallon of gasoline rounded to the nearest one-tenth of one cent (\$0.001); determined by the department by determining the product of:

~~(1) the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax; multiplied by~~

~~(2) the state under section 14 of this chapter for use in calculating prepayment amounts of gross retail tax rate; multiplied by~~

~~(3) ninety percent (90%) under section 9 of this chapter.~~

~~(o)~~ (p) "Purchase or shipment" means a sale or delivery of gasoline, but does not include:

(1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or

(2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.

~~(p)~~ (q) "Qualified distributor" means a distributor who:

(1) is a licensed distributor under IC 6-6-1.1; and



(2) holds an unrevoked permit issued under section 7 of this chapter.

~~(q)~~ (r) "Refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

~~(r)~~ (s) "Terminal operator" means a person that:

(1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or

(2) stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

SECTION 49. IC 6-3-1-3.5, AS AMENDED BY P.L.184-2006, SECTION 3, AND AS AMENDED BY P.L.162-2006, SECTION 24, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).

(4) Subtract one thousand dollars (\$1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) *for taxable years beginning after December 31, 2004*, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code *for taxable years beginning after December 31, 1996 (as effective January 1, 2004)*; and



- 1 (B) five hundred dollars (\$500) for each additional amount
- 2 allowable under Section 63(f)(1) of the Internal Revenue Code
- 3 if the adjusted gross income of the taxpayer, or the taxpayer
- 4 and the taxpayer's spouse in the case of a joint return, is less
- 5 than forty thousand dollars (\$40,000).
- 6 This amount is in addition to the amount subtracted under
- 7 subdivision (4).
- 8 (6) Subtract an amount equal to the lesser of:
- 9 (A) that part of the individual's adjusted gross income (as
- 10 defined in Section 62 of the Internal Revenue Code) for that
- 11 taxable year that is subject to a tax that is imposed by a
- 12 political subdivision of another state and that is imposed on or
- 13 measured by income; or
- 14 (B) two thousand dollars (\$2,000).
- 15 (7) Add an amount equal to the total capital gain portion of a
- 16 lump sum distribution (as defined in Section 402(e)(4)(D) of the
- 17 Internal Revenue Code) if the lump sum distribution is received
- 18 by the individual during the taxable year and if the capital gain
- 19 portion of the distribution is taxed in the manner provided in
- 20 Section 402 of the Internal Revenue Code.
- 21 (8) Subtract any amounts included in federal adjusted gross
- 22 income under Section 111 of the Internal Revenue Code as a
- 23 recovery of items previously deducted as an itemized deduction
- 24 from adjusted gross income.
- 25 (9) Subtract any amounts included in federal adjusted gross
- 26 income under the Internal Revenue Code which amounts were
- 27 received by the individual as supplemental railroad retirement
- 28 annuities under 45 U.S.C. 231 and which are not deductible under
- 29 subdivision (1).
- 30 (10) Add an amount equal to the deduction allowed under Section
- 31 221 of the Internal Revenue Code for married couples filing joint
- 32 returns if the taxable year began before January 1, 1987.
- 33 (11) Add an amount equal to the interest excluded from federal
- 34 gross income by the individual for the taxable year under Section
- 35 128 of the Internal Revenue Code if the taxable year began before
- 36 January 1, 1985.
- 37 (12) Subtract an amount equal to the amount of federal Social
- 38 Security and Railroad Retirement benefits included in a taxpayer's
- 39 federal gross income by Section 86 of the Internal Revenue Code.
- 40 (13) In the case of a nonresident taxpayer or a resident taxpayer
- 41 residing in Indiana for a period of less than the taxpayer's entire
- 42 taxable year, the total amount of the deductions allowed pursuant
- 43 to subdivisions (3), (4), (5), and (6) shall be reduced to an amount
- 44 which bears the same ratio to the total as the taxpayer's income
- 45 taxable in Indiana bears to the taxpayer's total income.
- 46 (14) In the case of an individual who is a recipient of assistance



under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) for a taxable year:

(i) including any part of 2004, the amount determined under subsection (f); and

(ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed



as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable



income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article



by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus



1 depreciation was allowed in the current taxable year or in an
 2 earlier taxable year equal to the amount of adjusted gross income
 3 that would have been computed had an election not been made
 4 under Section 168(k) of the Internal Revenue Code to apply bonus
 5 depreciation to the property in the year that it was placed in
 6 service.

7 (4) Add an amount equal to any deduction allowed under Section
 8 172 of the Internal Revenue Code.

9 (5) Add or subtract the amount necessary to make the adjusted
 10 gross income of any taxpayer that placed Section 179 property (as
 11 defined in Section 179 of the Internal Revenue Code) in service
 12 in the current taxable year or in an earlier taxable year equal to
 13 the amount of adjusted gross income that would have been
 14 computed had an election for federal income tax purposes not
 15 been made for the year in which the property was placed in
 16 service to take deductions under Section 179 of the Internal
 17 Revenue Code in a total amount exceeding twenty-five thousand
 18 dollars (\$25,000).

19 (6) Add an amount equal to the amount that a taxpayer claimed as
 20 a deduction for domestic production activities for the taxable year
 21 under Section 199 of the Internal Revenue Code for federal
 22 income tax purposes.

23 (f) This subsection applies only to the extent that an individual paid
 24 property taxes in 2004 that were imposed for the March 1, 2002,
 25 assessment date or the January 15, 2003, assessment date. The
 26 maximum amount of the deduction under subsection (a)(17) is equal
 27 to the amount determined under STEP FIVE of the following formula:

28 STEP ONE: Determine the amount of property taxes that the
 29 taxpayer paid after December 31, 2003, in the taxable year for
 30 property taxes imposed for the March 1, 2002, assessment date
 31 and the January 15, 2003, assessment date.

32 STEP TWO: Determine the amount of property taxes that the
 33 taxpayer paid in the taxable year for the March 1, 2003,
 34 assessment date and the January 15, 2004, assessment date.

35 STEP THREE: Determine the result of the STEP ONE amount
 36 divided by the STEP TWO amount.

37 STEP FOUR: Multiply the STEP THREE amount by two
 38 thousand five hundred dollars (\$2,500).

39 STEP FIVE: Determine the sum of the STEP FOUR amount and
 40 two thousand five hundred dollars (\$2,500).

41 SECTION 50. IC 6-3.1-9-1, AS AMENDED BY P.L.1-2006,
 42 SECTION 140, AND AS AMENDED BY P.L.181-2006, SECTION
 43 44, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 44 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) *As used in this chapter,*
 45 *"authority" means the Indiana housing and community development*
 46 *authority established by IC 5-20-1-3.*



(b) As used in this chapter, "business firm" means any business entity authorized to do business in the state of Indiana that has state tax liability.

(c) As used in this chapter, "community services" means any type of :

- (1) counseling and advice;
- (2) emergency assistance;
- (3) medical care;
- (4) recreational facilities;
- (5) housing facilities; or
- (6) economic development assistance;

provided to individuals, economically disadvantaged households, groups, or neighborhood organizations in an economically disadvantaged area.

(d) As used in this chapter, "crime prevention" means any activity which aids in the reduction of crime in an economically disadvantaged area *or an economically disadvantaged household.*

(e) As used in this chapter, "economically disadvantaged area" means an enterprise zone, or any *area in Indiana that is certified as an other federally or locally designated economically disadvantaged area by the Indiana housing and community development authority after consultation with the community services agency in Indiana.* The certification shall be made on the basis of current indices of social and economic conditions, which shall include but not be limited to the median per capita income of the area in relation to the median per capita income of the state or standard metropolitan statistical area in which the area is located.

(f) As used in this chapter, "economically disadvantaged household" means a household with an annual income that is at or below eighty percent (80%) of the area median income or any other federally designated target population.

(g) As used in this chapter, "education" means any type of scholastic instruction or scholarship assistance to an individual who resides in an economically disadvantaged area that enables the individual to prepare for better life opportunities.

(h) As used in this chapter, "enterprise zone" means an enterprise zone created under IC 5-28-15.

(i) As used in this chapter, "job training" means any type of instruction to an individual who resides in :

- (1) an economically disadvantaged area; or
- (2) an economically disadvantaged household;

that enables the individual to acquire vocational skills so that the individual can become employable or be able to seek a higher grade of employment.

(j) As used in this chapter, "neighborhood assistance" means either:

- (1) furnishing financial assistance, labor, material, and technical



advice to aid in the physical or economic improvement of any part or all of an economically disadvantaged area; or
 (2) furnishing technical advice to promote higher employment in any neighborhood in Indiana.

(k) *As used in this chapter*, "neighborhood organization" means any organization, including but not limited to a nonprofit development corporation *doing both of the following*:

(1) Performing community services:

(A) in an economically disadvantaged area; ~~and~~ or

(B) for an economically disadvantaged household.

(2) Holding a ruling:

(A) from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under the provisions of the Internal Revenue Code; and

(B) from the department of state revenue that the organization is exempt from income taxation under IC 6-2.5-5-21.

(l) *As used in this chapter*, "person" means any individual subject to Indiana gross or adjusted gross income tax.

(m) *As used in this chapter*, "state fiscal year" means a twelve (12) month period beginning on July 1 and ending on June 30.

(n) *As used in this chapter*, "state tax liability" means the taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax); and

(2) IC 6-5.5 (the financial institutions tax);

as computed after the application of the credits that, under IC 6-3.1-1-2, are to be applied before the credit provided by this chapter.

(o) *As used in this chapter*, "tax credit" means a deduction from any tax otherwise due and payable under IC 6-3 or IC 6-5.5.

SECTION 51. IC 6-3.1-9-2, AS ADDED BY P.L.1-2006, SECTION 141, AND AS AMENDED BY P.L.181-2006, SECTION 45, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A business firm or a person who contributes to a neighborhood organization ~~or who that~~ engages in the activities of providing neighborhood assistance, job training, or education for individuals not employed by the business firm or person, or for community services or crime prevention in an economically disadvantaged area shall receive a tax credit as provided in section 3 of this chapter if the ~~Indiana housing and community development~~ authority approves the proposal of the business firm or person, setting forth the program to be conducted, the area selected, the estimated amount to be invested in the program, and the plans for implementing the program.

(b) The ~~Indiana housing and community development~~ authority, after consultation with the community services agency and the



1 commissioner of revenue, may adopt rules for the approval or
2 disapproval of these proposals.

3 SECTION 52. IC 6-3.1-9-4, AS AMENDED BY P.L.1-2006,
4 SECTION 142, AND AS AMENDED BY P.L.181-2006, SECTION
5 46, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Any business firm or
7 person which desires to claim a tax credit as provided in this chapter
8 shall file with the department, in the form that the department may
9 prescribe, an application stating the amount of the contribution or
10 investment which it proposes to make which would qualify for a tax
11 credit, and the amount sought to be claimed as a credit. The application
12 shall include a certificate evidencing approval of the contribution or
13 program by the *Indiana housing and community development* authority.

14 (b) The *Indiana housing and community development* authority
15 shall give priority in issuing certificates to applicants whose
16 contributions or programs directly benefit enterprise zones.

17 (c) The department shall promptly notify an applicant whether, or
18 the extent to which, the tax credit is allowable in the state fiscal year in
19 which the application is filed, as provided in section 5 of this chapter.
20 If the credit is allowable in that state fiscal year, the applicant shall
21 within thirty (30) days after receipt of the notice file with the
22 department of state revenue a statement, in the form and accompanied
23 by the proof of payment as the department may prescribe, setting forth
24 that the amount to be claimed as a credit under this chapter has been
25 paid to an organization for an approved program or purpose, or
26 permanently set aside in a special account to be used solely for an
27 approved program or purpose.

28 (d) The department may disallow any credit claimed under this
29 chapter for which the statement or proof of payment is not filed within
30 the thirty (30) day period.

31 SECTION 53. IC 6-3.5-1.1-2.3, AS ADDED BY P.L.162-2006,
32 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 2.3. (a) This section applies to Jasper County.

34 (b) The county council may, by ordinance, determine that additional
35 county adjusted gross income tax revenue is needed in the county to:

36 (1) finance, construct, acquire, improve, renovate, or equip:

37 (A) jail facilities;

38 (B) juvenile court, detention, and probation facilities;

39 (C) other criminal justice facilities; and

40 (D) related buildings and parking facilities;

41 located in the county, including costs related to the demolition of
42 existing buildings and the acquisition of land; and

43 (2) repay bonds issued or leases entered into for the purposes
44 described in subdivision (1).

45 (c) The county council may, by ordinance, determine that additional
46 county adjusted gross income tax revenue is needed in the county to



operate or maintain any of the facilities described in subsection (b)(1)(A) through (b)(1)(D) that are located in the county. The county council may make a determination under both this subsection and subsection (b).

(d) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

- (1) fifteen-hundredths percent (0.15%);
- (2) two-tenths percent (0.2%); or
- (3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes a finding and determination set forth in subsection (b) or (c).

(e) If the county council imposes the tax under this section to pay for the purposes described in both subsections (b) and (c), when:

- (1) the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; and
- (2) all bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid;

the county council shall, subject to subsection (d), establish a tax rate under this section by ordinance such that the revenue from the tax does not exceed the costs of operating and maintaining the jail facilities described in subsection (b)(1)(A). The tax rate may not be imposed at a rate greater than is necessary to carry out the purposes described in subsections (b) and (c), as applicable.

(f) An ordinance adopted under this section before June 1, 2006, or April 1 in a subsequent year applies to the imposition of county income taxes after June 30 in that year. An ordinance adopted under this section after May 31, 2006, and March 31 of a subsequent year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(g) The tax imposed under this section may be imposed only until the latest of the following:

- (1) The date on which the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed.
- (2) The date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid.
- (3) The date on which an ordinance adopted under subsection (c) is rescinded.

(h) The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.



(i) The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

(j) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

(k) Notwithstanding any other law, money remaining in the criminal justice facilities revenue fund established under subsection (i) after the tax imposed by this section is terminated under ~~subsection (f)~~ **subsection (g)** shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 54. IC 6-3.5-1.1-10, AS AMENDED BY P.L.147-2006, SECTION 2, AND AS AMENDED BY P.L.162-2006, SECTION 29, AND AS AMENDED BY P.L.2-2006, SECTION 68, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), one-half (1/2) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (1/2) on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

- (1) One-fourth (1/4) on October 1 of the *calendar* year in which the ordinance was adopted.
- (2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.
- (3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.
- (4) One-fourth (1/4) on November 1 of the calendar year



following the year in which the ordinance was adopted.
 Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or ~~IC 6-1.1-19-1.7~~ IC 20-44-3. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(c) Except for:

(1) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.3 of this chapter;

~~(1)~~ (2) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;

~~(2)~~ (3) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.8 of this chapter;

~~(3)~~ (4) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

~~(4)~~ (5) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

~~(5)~~ (6) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b), the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state



to the treasurer of the state ordering the appropriate payments.

SECTION 55. IC 6-3.5-1.1-11, AS AMENDED BY P.L.147-2006, SECTION 3, AND AS AMENDED BY P.L.162-2006, SECTION 30, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except for:

(1) *revenue that must be used to pay the costs of:*

(A) *financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;*

(B) *debt service on bonds; or*

(C) *lease rentals;*

under section 2.3 of this chapter;

~~(2)~~ (2) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;

~~(3)~~ (3) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.8 of this chapter;

~~(4)~~ (4) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

~~(5)~~ (5) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

~~(6)~~ (6) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

the certified distribution received by a county treasurer shall, in the manner prescribed in this section, be allocated, distributed, and used by the civil taxing units and school corporations of the county as certified shares and property tax replacement credits.

(b) Before August 10 of each calendar year, each county auditor shall determine the part of the certified distribution for the next succeeding calendar year that will be allocated as property tax replacement credits and the part that will be allocated as certified shares. The percentage of a certified distribution that will be allocated as property tax replacement credits or as certified shares depends upon the county adjusted gross income tax rate for resident county taxpayers in effect on August 1 of the calendar year that precedes the year in which the certified distribution will be received by two (2) years. The percentages are set forth in the following table:

PROPERTY



COUNTY	TAX	
ADJUSTED GROSS	REPLACEMENT	CERTIFIED
INCOME TAX RATE	CREDITS	SHARES
0.5%	50%	50%
0.75%	33 1/3%	66 2/3%
1%	25%	75%

(c) The part of a certified distribution that constitutes property tax replacement credits shall be distributed as provided under sections 12, 13, and 14 of this chapter.

(d) The part of a certified distribution that constitutes certified shares shall be distributed as provided by section 15 of this chapter.

SECTION 56. IC 6-3.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Branch office" means a branch office of the bureau of motor vehicles.

"Bus" has the meaning set forth in IC 9-13-2-17(a).

"County council" includes the city-county council of a county that contains a consolidated city of the first class.

"Political subdivision" has the meaning set forth in IC 34-6-2-110.

"Recreational vehicle" has the meaning set forth in IC 9-13-2-150.

"Semitrailer" has the meaning set forth in IC 9-13-2-164(a).

"State agency" has the meaning set forth in ~~IC 34-4-16.5-2.~~
IC 34-6-2-141.

"Tractor" has the meaning set forth in IC 9-13-2-180.

"Trailer" has the meaning set forth in IC 9-13-2-184(a).

"Truck" has the meaning set forth in IC 9-13-2-188(a).

"Wheel tax" means the tax imposed under this chapter.

SECTION 57. IC 6-3.5-6-18, AS AMENDED BY P.L.162-2006, SECTION 31, AND AS AMENDED BY P.L.184-2006, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

(1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;

(2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);

(3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;

(4) make payments permitted under IC 36-7-15.1-17.5;

(5) make payments permitted under subsection (i);

(6) make distributions of distributive shares to the civil taxing units of a county; and

(7) make the distributions permitted under ~~section~~ sections 27, 28,



1 *and 29 of this chapter.*

2 (b) The county auditor shall retain from the payments of the county's
3 certified distribution, an amount equal to the revenue lost, if any, due
4 to the increase of the homestead credit within the county. This money
5 shall be distributed to the civil taxing units and school corporations of
6 the county as though they were property tax collections and in such a
7 manner that no civil taxing unit or school corporation shall suffer a net
8 revenue loss due to the allowance of an increased homestead credit.

9 (c) The county auditor shall retain:

10 (1) the amount, if any, specified by the county fiscal body for a
11 particular calendar year under subsection (i), IC 36-7-15.1-17.5,
12 IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified
13 distribution for that same calendar year; and

14 (2) the amount of an additional tax rate imposed under section 27,
15 28, *or 29 of this chapter.*

16 The county auditor shall distribute amounts retained under this
17 subsection to the county.

18 (d) All certified distribution revenues that are not retained and
19 distributed under subsections (b) and (c) shall be distributed to the civil
20 taxing units of the county as distributive shares.

21 (e) The amount of distributive shares that each civil taxing unit in
22 a county is entitled to receive during a month equals the product of the
23 following:

24 (1) The amount of revenue that is to be distributed as distributive
25 shares during that month; multiplied by

26 (2) A fraction. The numerator of the fraction equals the allocation
27 amount for the civil taxing unit for the calendar year in which the
28 month falls. The denominator of the fraction equals the sum of the
29 allocation amounts of all the civil taxing units of the county for
30 the calendar year in which the month falls.

31 (f) The department of local government finance shall provide each
32 county auditor with the fractional amount of distributive shares that
33 each civil taxing unit in the auditor's county is entitled to receive
34 monthly under this section.

35 (g) Notwithstanding subsection (e), if a civil taxing unit of an
36 adopting county does not impose a property tax levy that is first due
37 and payable in a calendar year in which distributive shares are being
38 distributed under this section, that civil taxing unit is entitled to receive
39 a part of the revenue to be distributed as distributive shares under this
40 section within the county. The fractional amount such a civil taxing
41 unit is entitled to receive each month during that calendar year equals
42 the product of the following:

43 (1) The amount to be distributed as distributive shares during that
44 month; multiplied by

45 (2) A fraction. The numerator of the fraction equals the budget of
46 that civil taxing unit for that calendar year. The denominator of



the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 58. IC 6-3.5-6-29, AS ADDED BY P.L.162-2006, SECTION 32, AND AS ADDED BY P.L.184-2006, SECTION 7, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) This section applies only to Scott County. Scott County is a county in which:

(1) maintaining low property tax rates is essential to economic development; and

(2) the use of additional county option income tax revenues as provided in this section, rather than the use of property taxes, to fund:

(A) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(B) the repayment of bonds issued or leases entered into for the purposes described in clause (A), except operation or maintenance;

promotes the purpose of maintaining low property tax rates.

(b) The county fiscal body may impose the county option income tax on the adjusted gross income of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) To impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance finding and determining that additional revenues from the county option income tax are needed in the county to fund:

(1) the financing, construction, acquisition, improvement,



renovation, equipping, operation, or maintenance of jail facilities;
and

(2) the repayment of bonds issued or leases entered into for the purposes described in subdivision (1), except operation or maintenance.

(d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. As soon as practicable after the adoption of an ordinance under this section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the department of local government finance, and the department. An ordinance adopted under this section before June 1, 2006, or April 1 in a subsequent year applies to the imposition of county income taxes after June 30 in that year. An ordinance adopted under this section after May 31, 2006, ~~and or~~ March 31 of a subsequent year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(e) If the county imposes an additional tax rate under this section, the county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(f) County option income tax revenues derived from an additional tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes described in subsection (c)(1), except operation or maintenance.

(g) If the county imposes an additional tax rate under this section, the department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of the county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts the increased tax rate and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 59. IC 6-3.5-7-5, AS AMENDED BY P.L.162-2006, SECTION 33, AND AS AMENDED BY P.L.184-2006, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

- (1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;
- (2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or
- (3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), ~~or~~ (s), or (v), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), (t), or (u), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.



(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);

(B) two-tenths percent (0.2%); or

(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%); if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on



January 1 of a year may not exceed one and five-tenths percent (1.5%);
if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

(1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or

(2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900); except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and



(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) *or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county*, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%); if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on



January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(v) This subsection applies to Jasper County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

SECTION 60. IC 6-3.5-7-13.1, AS AMENDED BY P.L.47-2006, SECTION 4, AND AS AMENDED BY P.L.137-2006, SECTION 11, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, 26, and 27 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) Except as provided in sections 15, 23, 25, 26, and 27 of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;



- 1 (F) to the extent not otherwise allowed under this chapter,
 2 funding substance removal or remedial action in a designated
 3 unit; or
 4 (G) funding of a revolving fund established under
 5 IC 5-1-14-14.
- 6 (3) By a county, city, or town for any lawful purpose for which
 7 money in any of its other funds may be used.
- 8 (4) By a city or county described in IC 36-7.5-2-3(b) for making
 9 transfers required by IC 36-7.5-4-2. If the county economic
 10 development income tax rate is increased after April 30, 2005, in
 11 a county having a population of more than one hundred forty-five
 12 thousand (145,000) but less than one hundred forty-eight
 13 thousand (148,000), the first three million five hundred thousand
 14 dollars (\$3,500,000) of the tax revenue that results each year from
 15 the tax rate increase shall be used by the county only to make the
 16 county's transfer required by IC 36-7.5-4-2. The first three million
 17 five hundred thousand dollars (\$3,500,000) of the tax revenue that
 18 results each year from the tax rate increase shall be paid by the
 19 county treasurer to the treasurer of the northwest Indiana regional
 20 development authority under IC 36-7.5-4-2 before certified
 21 distributions are made to the county or any cities or towns in the
 22 county under this chapter from the tax revenue that results each
 23 year from the tax rate increase. In a county having a population of
 24 more than one hundred forty-five thousand (145,000) but less
 25 than one hundred forty-eight thousand (148,000), all of the tax
 26 revenue that results each year from the tax rate increase that is in
 27 excess of the first three million five hundred thousand dollars
 28 (\$3,500,000) that results each year from the tax rate increase must
 29 be used by the county and cities and towns in the county for
 30 additional homestead credits under subdivision (5).
- 31 (5) This subdivision applies only in a county having a population
 32 of more than one hundred forty-five thousand (145,000) but less
 33 than one hundred forty-eight thousand (148,000). Except as
 34 otherwise provided, the procedures and definitions in
 35 IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that
 36 results each year from a tax rate increase described in subdivision
 37 (4) that is in excess of the first three million five hundred
 38 thousand dollars (\$3,500,000) that results each year from the tax
 39 rate increase must be used by the county and cities and towns in
 40 the county for additional homestead credits under this
 41 subdivision. The following apply to additional homestead credits
 42 provided under this subdivision:
- 43 (A) The additional homestead credits must be applied
 44 uniformly to increase the homestead credit under IC 6-1.1-20.9
 45 for homesteads in the county, city, or town.
- 46 (B) The additional homestead credits shall be treated for all



purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(6) This subdivision applies only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. A county or a city or town in the county may use county economic development income tax revenue to provide additional homestead credits in the county, city, or town. The following apply to additional homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the additional homestead credits. The ordinance must:

(i) be adopted before September 1 of a year to apply to property taxes first due and payable in the following year; and

(ii) specify the amount of county economic development income tax revenue that will be used to provide additional homestead credits in the following year.

(B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(D) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.



(E) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

~~(7)~~ **(8)** *This subdivision applies only to a county:*

(A) that has a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); and

(B) in which:

(i) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(ii) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

*Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision ~~(8)~~ **(9)**.*

~~(8)~~ **(9)** *This subdivision applies only to a county described in*



subdivision ~~(7)~~ (8). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision ~~(7)~~ (8) that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:

(A) the acquisition of land;

(B) interests in land;

(C) site improvements;

(D) infrastructure improvements;

(E) buildings;

(F) structures;

(G) rehabilitation, renovation, and enlargement of buildings and structures;

(H) machinery;



1 (I) equipment;
 2 (J) furnishings;
 3 (K) facilities;
 4 (L) administrative expenses associated with such a project,
 5 including contract payments authorized under subsection
 6 (b)(2)(D);
 7 (M) operating expenses authorized under subsection (b)(2)(E);
 8 or
 9 (N) to the extent not otherwise allowed under this chapter,
 10 substance removal or remedial action in a designated unit;
 11 or any combination of these.

12 (d) If there are bonds outstanding that have been issued under
 13 section 14 of this chapter or leases in effect under section 21 of this
 14 chapter, a county, city, or town may not expend money from its
 15 economic development income tax fund for a purpose authorized under
 16 subsection (b)(3) in a manner that would adversely affect owners of the
 17 outstanding bonds or payment of any lease rentals due.

18 SECTION 61. IC 6-8.1-5-1, AS AMENDED BY P.L.111-2006,
 19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 1. (a) As used in this section, "letter of
 21 ~~finding~~ **findings**" includes a supplemental letter of ~~finding~~ **findings**.

22 (b) If the department reasonably believes that a person has not
 23 reported the proper amount of tax due, the department shall make a
 24 proposed assessment of the amount of the unpaid tax on the basis of the
 25 best information available to the department. The amount of the
 26 assessment is considered a tax payment not made by the due date and
 27 is subject to IC 6-8.1-10 concerning the imposition of penalties and
 28 interest. The department shall send the person a notice of the proposed
 29 assessment through the United States mail.

30 (c) If the person has a surety bond guaranteeing payment of the tax
 31 for which the proposed assessment is made, the department shall
 32 furnish a copy of the proposed assessment to the surety. The notice of
 33 proposed assessment is prima facie evidence that the department's
 34 claim for the unpaid tax is valid. The burden of proving that the
 35 proposed assessment is wrong rests with the person against whom the
 36 proposed assessment is made.

37 (d) The notice shall state that the person has forty-five (45) days
 38 from the date the notice is mailed to pay the assessment or to file a
 39 written protest. If the person files a protest and requires a hearing on
 40 the protest, the department shall:

41 (1) set the hearing at the department's earliest convenient time;
 42 and
 43 (2) notify the person by United States mail of the time, date, and
 44 location of the hearing.

45 (e) The department may hold the hearing at the location of its choice
 46 within Indiana if that location complies with IC 6-8.1-3-8.5.



(f) No later than sixty (60) days after conducting a hearing on a protest, or after making a decision on a protest when no hearing is requested, the department shall issue a letter of findings and shall send a copy of the letter through the United States mail to the person who filed the protest and to the person's surety, if the surety was notified of the proposed assessment under subsection (b). The department may continue the hearing until a later date if the taxpayer presents additional information at the hearing or the taxpayer requests an opportunity to present additional information after the hearing.

(g) A person that disagrees with a decision in a letter of ~~finding~~ **findings** may request a rehearing not more than thirty (30) days after the date on which the letter of ~~finding~~ **findings** is issued by the department. The department shall consider the request and may grant the rehearing if the department reasonably believes that a rehearing would be in the best interests of the taxpayer and the state.

(h) If a person disagrees with a decision in a letter of ~~finding~~ **findings**, the person may appeal the decision to the tax court. However, the tax court does not have jurisdiction to hear an appeal that is filed more than sixty (60) days after the date on which:

(1) the letter of ~~finding~~ **findings** is issued by the department, if the person does not make a timely request for a rehearing under subsection (g) on the letter of ~~finding~~ **findings**; or

(2) the department issues a denial of the person's timely request for a rehearing under subsection (g) on the letter of ~~finding~~ **findings**.

(i) The tax court shall hear an appeal under subsection (h) de novo and without a jury. The tax court may do the following:

(1) Uphold or deny any part of the assessment that is appealed.

(2) Assess the court costs in a manner that the court believes to be equitable.

(3) Enjoin the collection of a listed tax under IC 33-26-6-2.

(j) The department shall demand payment, as provided in IC 6-8.1-8-2(a), of any part of the proposed tax assessment, interest, and penalties that it finds owing because:

(1) the person failed to properly respond within the forty-five (45) day period;

(2) the person requested a hearing but failed to appear at that hearing; or

(3) after consideration of the evidence presented in the protest or hearing, the department finds that the person still owes tax.

(k) The department shall make the demand for payment in the manner provided in IC 6-8.1-8-2.

(l) Subsection (b) does not apply to a motor carrier fuel tax return.

SECTION 62. IC 6-8.1-7-1, AS AMENDED BY P.L.111-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This subsection does not apply to the



disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

- (1) members and employees of the department;
- (2) the governor;
- (3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or
- (4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

- (1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and
- (2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family resources, and to any director of a county office of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not



1 exceed the department's administrative costs in providing the
2 information to the institution.

3 (e) The information described in subsection (a) relating to reports
4 submitted under IC 6-6-1.1-502 concerning the number of gallons of
5 gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of
6 gallons of special fuel sold by a supplier and the number of gallons of
7 special fuel exported by a licensed exporter or imported by a licensed
8 transporter may be released by the commissioner upon receipt of a
9 written request for the information.

10 (f) The information described in subsection (a) may be revealed
11 upon the receipt of a written request from the administrative head of a
12 state agency of Indiana when:

13 (1) the state agency shows an official need for the information;
14 and

15 (2) the administrative head of the state agency agrees that any
16 information released will be kept confidential and will be used
17 solely for official purposes.

18 (g) The name and address of retail merchants, including township,
19 as specified in IC 6-2.5-8-1(j) may be released solely for tax collection
20 purposes to township assessors.

21 (h) The department shall notify the appropriate innkeepers' tax
22 board, bureau, or commission that a taxpayer is delinquent in remitting
23 innkeepers' taxes under IC 6-9.

24 (i) All information relating to the delinquency or evasion of the
25 motor vehicle excise tax may be disclosed to the bureau of motor
26 vehicles in Indiana and may be disclosed to another state, if the
27 information is disclosed for the purpose of the enforcement and
28 collection of the taxes imposed by IC 6-6-5.

29 (j) All information relating to the delinquency or evasion of
30 commercial vehicle excise taxes payable to the bureau of motor
31 vehicles in Indiana may be disclosed to the bureau and may be
32 disclosed to another state, if the information is disclosed for the
33 purpose of the enforcement and collection of the taxes imposed by
34 IC 6-6-5.5.

35 (k) All information relating to the delinquency or evasion of
36 commercial vehicle excise taxes payable under the International
37 Registration Plan may be disclosed to another state, if the information
38 is disclosed for the purpose of the enforcement and collection of the
39 taxes imposed by IC 6-6-5.5.

40 (l) This section does not apply to:

- 41 (1) the beer excise tax (IC 7.1-4-2);
- 42 (2) the liquor excise tax (IC 7.1-4-3);
- 43 (3) the wine excise tax (IC 7.1-4-4);
- 44 (4) the hard cider excise tax (IC 7.1-4-4.5);
- 45 (5) the malt excise tax (IC 7.1-4-5);
- 46 (6) the motor vehicle excise tax (IC 6-6-5);



(7) the commercial vehicle excise tax (IC 6-6-5.5); and

(8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under ~~IC 6-2.5-6-14.2.~~ **IC 6-2.5-6-14.2.**

SECTION 63. IC 7.1-3-26-16, AS ADDED BY P.L.165-2006, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. If a direct wine seller is charged under section 15 of this chapter with selling to a consumer who does not meet the requirements of section 6 of this chapter, it is a defense to the charge if the direct wine seller obtained from the consumer the verified statement required under section 6(4)(C) ~~and or~~ 6(5)(A) of this chapter and produces a copy of the verified statement.

SECTION 64. IC 8-1-36-9, AS ADDED BY P.L.27-2006, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. A customer is eligible to receive reduced rates for basic telecommunications service under the program if:

(1) the customer's income (as defined in 47 CFR 54.400(f)) does not exceed one hundred fifty percent (150%) of the federal poverty guidelines; or

(2) any person in the customer's household receives or has a child who receives any of the following:

(A) Medicaid.

(B) Food stamps.

(C) Supplemental Security Income.

(D) Federal public housing assistance.

(E) Home energy assistance under a program administered by the ~~division of family resources~~ **lieutenant governor** under ~~IC 12-14-11.~~ **IC 4-4-33-1(3).**

(F) Assistance under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

(G) Free lunches under the national school lunch program.

SECTION 65. IC 8-15-2-1, AS AMENDED BY P.L.47-2006, SECTION 8, AND AS AMENDED BY P.L.1-2006, SECTION 156, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In order to remove the handicaps and hazards on the congested highways in Indiana, to facilitate vehicular traffic throughout the state, to promote the agricultural and industrial development of the state, and to provide for the general welfare by the construction of modern express highways embodying safety devices, including center division, ample shoulder widths, long sight distances, multiple lanes in each direction, and grade separations at intersections with other highways and railroads, the authority may:



(1) *subject to subsection (d)*, construct, reconstruct, maintain, repair, and operate toll road projects at such locations as shall be approved by the governor;

(2) in accordance with such alignment and design standards as shall be approved by the authority and subject to IC 8-9.5-8-10, issue toll road revenue bonds of the state payable solely from funds pledged for their payment, as authorized by this chapter, to pay the cost of such projects;

(3) finance, develop, construct, reconstruct, improve, or maintain improvements for manufacturing, commercial, or public transportation activities within a county through which a toll road passes;

(4) in cooperation with the Indiana department of transportation or a political subdivision, construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that is located within a county through which a toll road passes and that:

(A) interchanges with a toll road project; or

(B) intersects with a road or a street that interchanges with a toll road project;

(5) finance improvements necessary for developing transportation corridors in northwestern Indiana; and

(6) exercise these powers in participation with any governmental entity or with any individual, partnership, limited liability company, or corporation.

(b) Notwithstanding subsection (a), the authority shall not construct, maintain, operate, nor contract for the construction, maintenance, or operation of transient lodging facilities on, or adjacent to, such toll road projects.

(c) This chapter:

(1) applies to the authority only when acting for the purposes set forth in this chapter; and

(2) does not apply to the authority when acting under any other statute for any other purpose.

(d) *Notwithstanding any other law, neither the authority nor an operator selected under IC 8-15.5 may carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:*

(1) *Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).*

(2) *Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty*



(11,740).

SECTION 66. IC 9-13-2-117.3, AS ADDED BY P.L.219-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 117.3. "Off-road vehicle" has the meaning set forth in ~~IC 14-16-1-3~~. **IC 14-8-2-185.**

SECTION 67. IC 9-18-15-1, AS AMENDED BY P.L.68-2006, SECTION 1, AND AS AMENDED BY P.L.58-2006, SECTION 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person who is the registered owner or lessee of a:

- (1) passenger motor vehicle;
- (2) motorcycle;
- (3) recreational vehicle; or
- (4) vehicle registered as a truck with a declared gross weight of not more than:

(A) eleven thousand (11,000) pounds;

(B) nine thousand (9,000) pounds; or

(C) seven thousand (7,000) pounds;

registered with the bureau or who makes an application for an original registration or renewal registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular license plate.

(b) A person who:

- (1) is the registered owner or lessee of a vehicle described in subsection (a); and

- (2) is eligible to receive a license plate for the vehicle under:

(A) IC 9-18-17 (prisoner of war license plates);

(B) IC 9-18-18 (disabled veteran license plates);

(C) IC 9-18-19 (Purple Heart license plates);

(D) IC 9-18-20 (Indiana National Guard license plates);

(E) IC 9-18-21 (Indiana Guard Reserve license plates);

(F) IC 9-18-22 (license plates for persons with disabilities);

(G) IC 9-18-23 (amateur radio operator license plates);

(H) IC 9-18-24 (civic event license plates);

(I) IC 9-18-24.5 (*In God We Trust* license plates);

~~(J)~~ (J) IC 9-18-25 (special group recognition license plates);

~~(K)~~ (K) IC 9-18-29 (environmental license plates);

~~(L)~~ (L) IC 9-18-30 (kids first trust license plates);

~~(M)~~ (M) IC 9-18-31 (education license plates);

~~(N)~~ (N) IC 9-18-32.2 (drug free Indiana trust license plates);

~~(O)~~ (O) IC 9-18-33 (Indiana FFA trust license plates);

~~(P)~~ (P) IC 9-18-34 (Indiana firefighter license plates);

~~(Q)~~ (Q) IC 9-18-35 (Indiana food bank trust license plates);

~~(R)~~ (R) IC 9-18-36 (Indiana girl scouts trust license plates);

~~(S)~~ (S) IC 9-18-37 (Indiana boy scouts trust license plates);

~~(T)~~ (T) IC 9-18-38 (Indiana retired armed forces member



license plates);
~~(T)~~ (U) IC 9-18-39 (Indiana antique car museum trust license plates);
~~(U)~~ (V) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
~~(V)~~ (W) IC 9-18-41 (Indiana arts trust license plates);
~~(W)~~ (X) IC 9-18-42 (Indiana health trust license plates);
~~(X)~~ (Y) IC 9-18-43 (Indiana mental health trust license plates);
~~(Y)~~ (Z) IC 9-18-44 (Indiana Native American trust license plates);
~~(Z)~~ (AA) IC 9-18-45.8 (Pearl Harbor survivor license plates);
~~(AA)~~ (BB) IC 9-18-46.2 (*Indiana* state educational institution trust license plates);
~~(BB)~~ (CC) IC 9-18-47 (Lewis and Clark bicentennial license plates);
~~(CC)~~ (DD) IC 9-18-48 (Riley Children's Foundation license plates); ~~or~~
~~(DD)~~ (EE) IC 9-18-49 (National Football League franchised professional football team license plates);
~~(EE)~~ (FF) IC 9-18-50 (*Hoosier veteran license plates*); or
~~(FF)~~ (GG) IC 9-18-51 (*support our troops license plates*);
 may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular special recognition license plate.

SECTION 68. IC 9-18-25-1, AS AMENDED BY P.L.58-2006, SECTION 3, AND AS AMENDED BY P.L.68-2006, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply to the following:

- (1) Antique motor vehicle license plates (IC 9-18-12).
- (2) Recovery vehicle license plates (IC 9-18-13).
- (3) Personalized license plates (IC 9-18-15).
- (4) Prisoner of war license plates (IC 9-18-17).
- (5) Disabled veteran license plates (IC 9-18-18).
- (6) Purple Heart license plates (IC 9-18-19).
- (7) Indiana National Guard license plates (IC 9-18-20).
- (8) Person with a disability license plates (IC 9-18-22).
- (9) Amateur radio operator license plates (IC 9-18-23).
- (10) *In God We Trust license plates (IC 9-18-24.5).*
- ~~(11)~~ Pearl Harbor survivor license plates (IC 9-18-45.8).
- ~~(12)~~ *Hoosier veteran license plates (IC 9-18-50).*
- ~~(13)~~ *Support our troops license plates (IC 9-18-51).*

SECTION 69. IC 9-19-6-1.5, AS ADDED BY P.L.183-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. **As used in this chapter,** "operating crew member" has the meaning set forth in IC 8-9-12-2.

SECTION 70. IC 9-29-3-9, AS AMENDED BY P.L.210-2005,



1 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 9. ~~(a) The service charge for each learner's~~
3 ~~permit, chauffeur's license, or public passenger chauffeur's license is~~
4 ~~two dollars (\$2). This subsection expires December 31, 2005.~~

5 ~~(b)~~ (a) Fifty cents (\$0.50) of each service charge collected under
6 this section shall be deposited in the state motor vehicle technology
7 fund established by IC 9-29-16-1.

8 ~~(c) After December 31, 2005,~~ (b) The service charge for a learner's
9 permit, public passenger chauffeur's license, or chauffeur's license
10 issued to or renewed for an individual who is at least seventy-five (75)
11 years of age is two dollars (\$2). After December 31, 2005, the service
12 charge for a chauffeur's license issued to or renewed for an individual
13 less than seventy-five (75) years of age is three dollars (\$3).

14 SECTION 71. IC 9-29-3-10, AS AMENDED BY P.L.210-2005,
15 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 10. ~~(a) The service charge for each temporary~~
17 ~~motorcycle learner's permit, motorcycle learner's permit, or motorcycle~~
18 ~~endorsement of an operator's license is one dollar and fifty cents~~
19 ~~(\$1.50). This subsection expires December 31, 2005.~~

20 ~~(b)~~ (a) Fifty cents (\$0.50) of each service charge collected under
21 this section shall be deposited in the state motor vehicle technology
22 fund established by IC 9-29-16-1.

23 ~~(c) After December 31, 2005,~~ (b) The service charge for a
24 temporary motorcycle learner's permit, motorcycle learner's permit, or
25 motorcycle endorsement of an operator's license issued to or renewed
26 for an individual who is at least seventy-five (75) years of age is one
27 dollar and fifty cents (\$1.50). ~~After December 31, 2005,~~ The service
28 charge for a motorcycle endorsement of an operator's license issued to
29 or renewed for an individual less than seventy-five (75) years of age is
30 two dollars and twenty-five cents (\$2.25).

31 SECTION 72. IC 9-29-3-14, AS AMENDED BY P.L.1-2006,
32 SECTION 167, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~(a) Except as provided in~~
34 ~~IC 9-24-16-10, the service charge for an identification card issued~~
35 ~~under IC 9-24 is fifty cents (\$0.50) and one-half (1/2) of each fee~~
36 ~~collected as set forth in IC 9-29-9-15. This subsection expires~~
37 ~~December 31, 2005.~~

38 ~~(b)~~ (a) Fifty cents (\$0.50) of each service charge collected under
39 this section shall be deposited in the state motor vehicle technology
40 fund established by IC 9-29-16-1.

41 ~~(c) After December 31, 2005,~~ (b) The service charge for an
42 identification card issued under IC 9-24 is seventy-five cents (\$0.75)
43 and one-half (1/2) of each fee collected as set forth in IC 9-29-9-15.

44 SECTION 73. IC 9-29-9-4, AS AMENDED BY P.L.210-2005,
45 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
46 UPON PASSAGE]: Sec. 4. ~~(a) The fee for a chauffeur's license issued~~



under IC 9-24-4 is eight dollars (\$8). This subsection expires December 31, 2005.

(b) After December 31, 2005, The fee for a chauffeur's license issued under IC 9-24-4 or renewed under IC 9-24-12 to an individual who is:

(1) at least seventy-five (75) years of age is eight dollars (\$8); and

(2) less than seventy-five (75) years of age is twelve dollars (\$12).

SECTION 74. IC 9-29-9-6, AS AMENDED BY P.L.210-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The fee for a four (4) year motorcycle operator's license issued under IC 9-24-8 is six dollars (\$6). This subsection expires December 31, 2005.

(b) After December 31, 2005, The fee for a motorcycle operator's license issued under IC 9-24-8 or renewed under IC 9-24-12 to an individual who is:

(1) at least seventy-five (75) years of age is six dollars (\$6); and

(2) less than seventy-five (75) years of age is nine dollars (\$9).

SECTION 75. IC 9-29-9-7, AS AMENDED BY P.L.210-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The fee for a motorcycle operator endorsement of an operator's license is three dollars (\$3). This subsection expires December 31, 2005.

(b) After December 31, 2005, The fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of an operator's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars (\$3); and

(2) less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).

SECTION 76. IC 9-29-9-8, AS AMENDED BY P.L.210-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The fee for a motorcycle operator endorsement of a chauffeur's license is three dollars (\$3). This subsection expires December 31, 2005.

(b) After December 31, 2005, The fee for validation of a motorcycle operator endorsement under IC 9-24-8-4 and IC 9-24-12-7(c) of a chauffeur's license issued to an individual who is:

(1) at least seventy-five (75) years of age is three dollars (\$3); and

(2) less than seventy-five (75) years of age is four dollars and fifty cents (\$4.50).

SECTION 77. IC 9-29-9-15, AS AMENDED BY P.L.1-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in IC 9-24-16-10, the fees for the issuance, renewal, or duplication of identification cards under IC 9-24-16 are as follows:

(1) For a person at least sixty-five (65) years of age or a person with a physical disability and not entitled to obtain a driver's



1 license, two dollars (\$2).

2 (2) For any other eligible person, four dollars (\$4).

3 This subsection expires December 31, 2005.

4 (b) After December 31, 2005, The fees for the issuance, the renewal,
5 or a duplicate of an identification card under IC 9-24-16 are as follows:

6 (1) For an individual at least sixty-five (65) years of age or an
7 individual with a physical disability and not entitled to obtain a
8 driver's license, three dollars and fifty cents (\$3.50).

9 (2) For any other individual, six dollars (\$6).

10 SECTION 78. IC 9-30-2-7 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The:

12 (1) superintendent of the state police department;

13 (2) police chief of each city or the police chief's designee;

14 (3) sheriff of each county; and

15 (4) ~~the~~ town marshal or police chief of each town;

16 shall report to the bureau immediately the arrest of a person for a
17 violation of an Indiana law or a city ordinance relating to the operation
18 of motor vehicles upon the highways.

19 (b) The report must state the following:

20 (1) The offense with which the operator or driver is charged.

21 (2) The court in which pending.

22 (3) The names of all available witnesses to the violation.

23 (4) The name and address of the operator.

24 (5) If the operator is the holder of a license, the following:

25 (A) The kind of license and license number.

26 (B) The license plate number of the vehicle operated by the
27 operator.

28 (c) The bureau shall cause the report:

29 (1) to be filed in the bureau; and

30 (2) retained for at least two (2) years.

31 (d) The bureau shall prescribe and the bureau shall furnish the form
32 of the report required by this section.

33 SECTION 79. IC 9-30-6-4.3, AS ADDED BY P.L.94-2006,
34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 UPON PASSAGE]: Sec. 4.3. (a) This section applies only to a person
36 whose motor vehicle has been seized under ~~IC 34-24-1-1(14)~~.
37 **IC 34-24-1-1(15).**

38 (b) If the bureau receives an order from a court recommending that
39 the bureau not register a motor vehicle in the name of a person whose
40 motor vehicle has been seized under IC 34-24-1-1(15), the bureau may
41 not register a motor vehicle in the name of the person whose motor
42 vehicle has been seized until the person proves that the person
43 possesses a current driving license.

44 SECTION 80. IC 10-13-3-5, AS AMENDED BY P.L.20-2006,
45 SECTION 1, AND AS AMENDED BY P.L.140-2006, SECTION 4
46 AND P.L.173-2006, SECTION 4, IS CORRECTED AND AMENDED



TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.

(a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

(1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(2) Information, *including a photograph*, regarding a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12-4~~ IC 11-8-8.

(3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

(4) *A photograph of the person who is the subject of the information described in subdivisions (1) through (3).*

SECTION 81. IC 10-13-3-27, AS AMENDED BY P.L.1-2006, SECTION 171, AND AS AMENDED BY P.L.140-2006, SECTION 5 AND P.L.173-2006, SECTION 5, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.

(a) Except as provided in subsection (b), on request, a law enforcement agency shall release a limited criminal history to or allow inspection of a limited criminal history by noncriminal justice organizations or individuals only if the subject of the request:

(1) has applied for employment with a noncriminal justice organization or individual;

(2) has applied for a license and *has provided* criminal history data ~~is as~~ required by law to be provided in connection with the license;

(3) is a candidate for public office or a public official;

(4) is in the process of being apprehended by a law enforcement agency;

(5) is placed under arrest for the alleged commission of a crime;

(6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) is currently residing in a location designated by the department of child services (established by ~~IC 31-33-1.5-2~~ IC 31-25-1-1) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;

(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)



that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;

(12) is being sought by the parent locator service of the child support bureau of the ~~division~~ department of family and children, child services;

(13) is or was required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12~~; IC 11-8-8; or

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 82. IC 10-19-1-5, AS ADDED BY P.L.101-2006, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. "Fusion center" refers to the Indiana intelligence fusion center established by ~~IC 10-19-10-1~~. IC 10-19-10-2.

SECTION 83. IC 11-10-8-3, AS AMENDED BY P.L.1-2005, SECTION 124, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Before an offender may be assigned to a minimum security release program:

(1) the offender must be assigned to a minimum security classification in accord with IC 35-38-3 (any change in the degree of security, from minimum to a higher degree, whether the change occurs before or after assignment to a release program, renders the offender ineligible for participation in the release program, and the department shall take appropriate action for the offender's immediate removal from the release program and reassignment to a facility or program consistent with the offender's degree of security assignment); and

(2) the department must find that:

(A) the offender is likely to respond affirmatively to the program;

(B) it is reasonably unlikely that the offender will commit another crime while assigned to the program; and

(C) the offender demonstrates reading and writing skills that meet minimum literacy standards:

(i) developed by the department; ~~with the assistance of the advisory adult literacy coalition established by the governor under IC 20-20-21;~~ and

(ii) established under rules adopted by the department under IC 4-22-2.

(b) The minimum literacy standards adopted by the department under subsection (a)(2)(C) must provide that an offender is exempt from those standards if the department determines that:

(1) the offender is unable to meet the minimum literacy standards as a result of a disability; or

(2) the length of the offender's sentence prevents the offender from achieving the minimum literacy standards before the expiration of the offender's sentence.

SECTION 84. IC 11-13-1-8, AS AMENDED BY P.L.141-2006, SECTION 10, AND AS AMENDED BY P.L.145-2006, SECTION 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a probation officer;

(2) compensation of probation officers;

(3) protection of probation records and disclosure of information contained in those records; and

(4) presentence investigation reports.

(c) The conference shall prepare a written examination to be used



in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the *division of family and children department of child services* and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) in coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same



1 subject matter.

2 (g) The conference shall, in cooperation with the division of mental
3 health and addiction (IC 12-21) and the division of disability ~~aging~~, and
4 rehabilitative services (IC 12-9-1), provide probation departments with
5 training and technical assistance concerning mental illness, addictive
6 disorders, mental retardation, and developmental disabilities.

7 (h) The conference shall make recommendations to courts and
8 probation departments concerning:

9 (1) selection, training, distribution, and removal of probation
10 officers;

11 (2) methods and procedure for the administration of probation,
12 including investigation, supervision, workloads, record keeping,
13 and reporting; and

14 (3) use of citizen volunteers and public and private agencies.

15 (i) The conference may delegate any of the functions described in
16 this section to the advisory committee or the Indiana judicial center.

17 SECTION 85. IC 11-13-3-4, AS AMENDED BY P.L.60-2006,
18 SECTION 1, AND AS AMENDED BY P.L.139-2006, SECTION 2,
19 AND AS AMENDED BY P.L.140-2006, SECTION 15 AND
20 P.L.173-2006, SECTION 15, IS CORRECTED AND AMENDED TO
21 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A
22 condition to remaining on parole is that the parolee not commit a crime
23 during the period of parole.

24 (b) The parole board may also adopt, under IC 4-22-2, additional
25 conditions to remaining on parole and require a parolee to satisfy one
26 (1) or more of these conditions. These conditions must be reasonably
27 related to the parolee's successful reintegration into the community and
28 not unduly restrictive of a fundamental right.

29 (c) If a person is released on parole the parolee shall be given a
30 written statement of the conditions of parole. Signed copies of this
31 statement shall be:

32 (1) retained by the parolee;

33 (2) forwarded to any person charged with the parolee's
34 supervision; and

35 (3) placed in the parolee's master file.

36 (d) The parole board may modify parole conditions if the parolee
37 receives notice of that action and had ten (10) days after receipt of the
38 notice to express the parolee's views on the proposed modification.
39 This subsection does not apply to modification of parole conditions
40 after a revocation proceeding under section 10 of this chapter.

41 (e) As a condition of parole, the parole board may require the
42 parolee to reside in a particular parole area. In determining a parolee's
43 residence requirement, the parole board shall:

44 (1) consider:

45 (A) the residence of the parolee prior to the parolee's
46 incarceration; and



- 1 (B) the parolee's place of employment; and
 2 (2) assign the parolee to reside in the county where the parolee
 3 resided prior to the parolee's incarceration unless assignment on
 4 this basis would be detrimental to the parolee's successful
 5 reintegration into the community.
- 6 (f) As a condition of parole, the parole board may require the
 7 parolee to:
 8 (1) periodically undergo a laboratory chemical test (as defined in
 9 IC 14-15-8-1) or series of tests to detect and confirm the presence
 10 of a controlled substance (as defined in IC 35-48-1-9); and
 11 (2) have the results of any test under this subsection reported to
 12 the parole board by the laboratory.
- 13 The parolee is responsible for any charges resulting from a test
 14 required under this subsection. However, a person's parole may not be
 15 revoked on the basis of the person's inability to pay for a test under this
 16 subsection.
- 17 (g) As a condition of parole, the parole board:
 18 (1) may require a parolee who is a sex ~~and violent~~ offender (as
 19 defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) to:
 20 (A) participate in a treatment program for sex offenders
 21 approved by the parole board; and
 22 (B) avoid contact with any person who is less than sixteen (16)
 23 years of age unless the parolee:
 24 (i) receives the parole board's approval; or
 25 (ii) successfully completes the treatment program referred to
 26 in clause (A); and
 27 (2) shall:
 28 (A) require a parolee who is ~~an~~ a sex offender (as defined in
 29 ~~IC 5-2-12-4~~ IC 11-8-8-5) to register with a ~~sheriff (or the~~
 30 ~~police chief of a consolidated city)~~ local law enforcement
 31 authority under ~~IC 5-2-12-5~~ IC 11-8-8;
 32 (B) prohibit the sex offender from residing within one
 33 thousand (1,000) feet of school property (as defined in
 34 IC 35-41-1-24.7) for the period of parole, *unless the sex*
 35 *offender obtains written approval from the parole board; and*
 36 (C) prohibit a parolee who is ~~an~~ a sex offender convicted of a
 37 sex offense (as defined in IC 35-38-2-2.5) from residing within
 38 one (1) mile of the victim of the sex offender's sex offense
 39 *unless the sex offender obtains a waiver under IC 35-38-2-2.5;*
 40 *and*
 41 (D) *prohibit a parolee from owning, operating, managing,*
 42 *being employed by, or volunteering at any attraction designed*
 43 *to be primarily enjoyed by children less than sixteen (16)*
 44 *years of age.*
- 45 *The parole board may not grant a sexually violent predator (as defined*
 46 *in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the*



1 *parole board allows the sex offender to reside within one thousand*
 2 *(1,000) feet of school property under subdivision (2)(B), the parole*
 3 *board shall notify each school within one thousand (1,000) feet of the*
 4 *sex offender's residence of the order.*

5 (h) The address of the victim of a parolee who is ~~an~~ a sex offender
 6 convicted of a sex offense (as defined in IC 35-38-2-2.5) is
 7 confidential, *even if the sex offender obtains a waiver under*
 8 *IC 35-38-2-2.5.*

9 (i) *As a condition of parole, the parole board may require a parolee*
 10 *to participate in a reentry court program.*

11 ~~(j)~~ (j) *As a condition of parole, the parole board:*

12 (1) *shall require a parolee who is a sexually violent predator*
 13 *under IC 35-38-1-7.5; and*

14 (2) *may require a parolee who is a sex offender (as defined in*
 15 ~~IC 5-2-12-4);~~ *IC 11-8-8-5);*

16 *to wear a monitoring device (as described in IC 35-38-2.5-3) that can*
 17 *transmit information twenty-four (24) hours each day regarding a*
 18 *person's precise location.*

19 ~~(k)~~ (k) *As a condition of parole, the parole board may prohibit, in*
 20 *accordance with ~~IC 35-38-2-2.5~~, IC 35-38-2-2.6, a parolee who has*
 21 *been convicted of stalking from residing within one thousand (1,000)*
 22 *feet of the residence of the victim of the stalking for a period that does*
 23 *not exceed five (5) years.*

24 SECTION 86. IC 12-7-2-24, AS AMENDED BY P.L.141-2006,
 25 SECTION 14, AND AS AMENDED BY P.L.145-2006, SECTION 36,
 26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 24. "Bureau" means the
 28 following:

29 (1) For purposes of IC 12-10, the bureau of aging and in-home
 30 services established by IC 12-10-1-1.

31 (2) For purposes of IC 12-11, the bureau of developmental
 32 disabilities services established by IC 12-11-1.1-1.

33 (3) For purposes of IC 12-12, the rehabilitation services bureau of
 34 the division of disability ~~aging~~, and rehabilitative services
 35 established by IC 12-12-1-1.

36 (4) For purposes of IC 12-12.5, the bureau of quality
 37 improvement services established by IC 12-12.5-1-1.

38 ~~(5) For purposes of IC 12-17-2, the meaning set forth in~~
 39 ~~IC 12-17-2-1.~~

40 SECTION 87. IC 12-7-2-34, AS AMENDED BY P.L.12-2006,
 41 SECTION 1, AND AS AMENDED BY P.L.181-2006, SECTION 50,
 42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 43 [EFFECTIVE UPON PASSAGE]: Sec. 34. "Commission" means the
 44 following:

45 (1) For purposes of IC 12-10-2, the meaning set forth in
 46 IC 12-10-2-1.



(2) For purposes of IC 12-11-7, the meaning set forth in IC 12-11-7-1.

(3) For purposes of IC 12-12-2, the meaning set forth in IC 12-12-2-1.

(4) For purposes of IC 12-13-14, the meaning set forth in IC 12-13-14-1.

~~(5) For purposes of IC 12-14-12, the meaning set forth in IC 12-14-12-1.~~

~~(6)~~ (5) For purposes of IC 12-21-6.5, the meaning set forth in IC 12-21-6.5-1.

~~(5)~~ (7) (6) For purposes of IC 12-28-1, the meaning set forth in IC 12-28-1-3.

SECTION 88. IC 12-7-2-35, AS AMENDED BY P.L.107-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. "Committee" means the following:

(1) For purposes of IC 12-8-3, the meaning set forth in IC 12-8-3-1.

(2) For purposes of IC 12-15-33, the meaning set forth in IC 12-15-33-1.

~~(3) For purposes of IC 12-17-2-3.2, the meaning set forth in IC 12-17-2-3.2-1.~~

SECTION 89. IC 12-7-2-64, AS AMENDED BY P.L.141-2006, SECTION 16, AND AS AMENDED BY P.L.145-2006, SECTION 47, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 64. "Director" refers to the following:

(1) With respect to a particular division, the director of the division.

(2) With respect to a particular state institution, the director who has administrative control of and responsibility for the state institution.

(3) For purposes of IC 12-10-15, the term refers to the director of the division of ~~disability~~, aging, ~~and rehabilitative services~~.

(4) For purposes of IC 12-19-5, the term refers to the director of the department of child services established by ~~IC 31-33-1.5-2~~. IC 31-25-1-1.

(5) For purposes of IC 12-25, the term refers to the director of the division of mental health and addiction.

(6) For purposes of IC 12-26, the term:

(A) refers to the director who has administrative control of and responsibility for the appropriate state institution; and

(B) includes the director's designee.

(7) If subdivisions (1) through (6) do not apply, the term refers to the director of any of the divisions.

SECTION 90. IC 12-7-2-69, AS AMENDED BY P.L.93-2006, SECTION 5, AND AS AMENDED BY P.L.141-2006, SECTION 17,



1 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: Sec. 69. (a) "Division", except as
 3 provided in subsections (b) and (c), refers to any of the following:

4 (1) The division of disability ~~aging~~ and rehabilitative services
 5 established by IC 12-9-1-1.

6 *(2) The division of aging established by IC 12-9.1-1-1.*

7 ~~(2)~~ (3) The division of family resources established by
 8 IC 12-13-1-1.

9 ~~(3)~~ (4) The division of mental health and addiction established by
 10 IC 12-21-1-1.

11 (b) The term refers to the following:

12 (1) For purposes of the following statutes, the division of
 13 disability ~~aging~~ and rehabilitative services established by
 14 IC 12-9-1-1:

15 (A) IC 12-9.

16 ~~(B) IC 12-10.~~

17 ~~(C)~~ (B) IC 12-11.

18 ~~(D)~~ (C) IC 12-12.

19 ~~(E)~~ (D) IC 12-12.5.

20 ~~(F)~~ (E) IC 12-12.7.

21 *(2) For purposes of the following statutes, the division of aging*
 22 *established by IC 12-9.1-1-1:*

23 *(A) IC 12-9.1.*

24 *(B) IC 12-10.*

25 ~~(2)~~ (3) For purposes of the following statutes, the division of
 26 family resources established by IC 12-13-1-1:

27 (A) IC 12-13.

28 (B) IC 12-14.

29 (C) IC 12-15.

30 (D) IC 12-16.

31 (E) IC 12-17.2.

32 (F) IC 12-18.

33 (G) IC 12-19.

34 (H) IC 12-20.

35 ~~(3)~~ (4) For purposes of the following statutes, the division of
 36 mental health and addiction established by IC 12-21-1-1:

37 (A) IC 12-21.

38 (B) IC 12-22.

39 (C) IC 12-23.

40 (D) IC 12-25.

41 (c) With respect to a particular state institution, the term refers to
 42 the division whose director has administrative control of and
 43 responsibility for the state institution.

44 (d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term
 45 refers to the division whose director has administrative control of and
 46 responsibility for the appropriate state institution.



1 SECTION 91. IC 12-7-2-184.5 IS ADDED TO THE INDIANA
 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: **Sec. 184.5. "State of Indiana**
 4 **general educational development (GED) diploma", for purposes of**
 5 **IC 12-14-5, has the meaning set forth in IC 12-14-5-2.**

6 SECTION 92. IC 12-8-1-6, AS AMENDED BY P.L.141-2006,
 7 SECTION 26, AND AS AMENDED BY P.L.145-2006, SECTION 63,
 8 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The secretary and the
 10 commissioner of the state department of health shall cooperate to
 11 coordinate family and social services programs with related programs
 12 administered by the state department of health.

13 (b) The secretary, in cooperation with the commissioner of the state
 14 department of health, is accountable for the following:

15 (1) Resolving administrative, jurisdictional, or policy conflicts
 16 between a division and the state department of health.

17 (2) Formulating overall policy for family, health, and social
 18 services in Indiana.

19 (3) Coordinating activities between the programs of the division
 20 of family ~~and children~~ *resources* and the maternal and child
 21 health programs of the state department of health.

22 (4) Coordinating activities concerning long term care between the
 23 division of disability ~~aging~~ and rehabilitative services and the
 24 state department of health.

25 (5) Developing and implementing a statewide family, health, and
 26 social services plan that includes a set of goals and priorities.

27 SECTION 93. IC 12-8-2-3, AS AMENDED BY P.L.141-2006,
 28 SECTION 27, AND AS AMENDED BY P.L.145-2006, SECTION 64,
 29 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: Sec. 3. Unless otherwise provided
 31 by a statute, this chapter applies to the following:

32 (1) The family and social services committee established by
 33 IC 12-8-3-2.

34 (2) The following advisory councils:

35 (A) The division of disability ~~aging~~ and rehabilitative services
 36 advisory council.

37 (B) The division of family ~~and children~~ *resources* advisory
 38 council.

39 (C) The division of mental health and addiction advisory
 40 council.

41 (3) A body:

42 (A) established by statute for a division; and

43 (B) whose enabling statute makes this chapter applicable to
 44 the body.

45 SECTION 94. IC 12-8-10-1, AS AMENDED BY P.L.141-2006,
 46 SECTION 29, AND AS AMENDED BY P.L.145-2006, SECTION 66,



1 AND AS AMENDED BY P.L.181-2006, SECTION 51, IS
 2 CORRECTED AND AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies only to
 4 the indicated money of the following state agencies to the extent that
 5 the money is used by the agency to obtain services from grantee
 6 agencies to carry out the program functions of the agency:

7 (1) Money appropriated or allocated to a state agency from money
 8 received by the state under the *federal* Social Services Block
 9 Grant Act (42 U.S.C. 1397 et seq.).

10 (2) The division of ~~disability~~ aging, ~~and rehabilitative services~~,
 11 except this chapter does not apply to money expended under the
 12 following:

13 (A) The following statutes, unless application of this chapter
 14 is required by another subdivision of this section:

15 (i) IC 12-10-6.

16 (ii) IC 12-10-12.

17 (B) Epilepsy services.

18 (3) The division of family ~~and children~~ resources, for money
 19 expended under the following programs:

20 ~~(A) The following statutes:~~

21 ~~(i) IC 12-14-10.~~

22 ~~(ii) IC 12-14-11.~~

23 ~~(iii) IC 12-14-12.~~

24 ~~(B) The following programs:~~

25 ~~(i) (A)~~ The child development associate scholarship program.

26 ~~(ii) (B)~~ The dependent care program.

27 ~~(iii) (C)~~ Migrant day care.

28 ~~(iv) (D)~~ The youth services bureau.

29 ~~(v) (E)~~ The project safe program.

30 ~~(vi) (F)~~ The commodities program.

31 ~~(vii) (G)~~ The migrant nutrition program.

32 ~~(viii) (H)~~ Any emergency shelter program.

33 ~~(ix) (I)~~ The energy weatherization program.

34 ~~(x) (J)~~ Programs for individuals with developmental
 35 disabilities.

36 (4) The state department of health, for money expended under the
 37 following statutes:

38 (A) IC 16-19-10.

39 (B) IC 16-38-3.

40 (5) The group.

41 (6) All state agencies, for any other money expended for the
 42 purchase of services if all the following apply:

43 (A) The purchases are made under a contract between the state
 44 agency and the office of the secretary.

45 (B) The contract includes a requirement that the office of the
 46 secretary perform the duties and exercise the powers described



1 in this chapter.

2 (C) The contract is approved by the budget agency.

3 (7) The division of mental health and addiction.

4 SECTION 95. IC 12-8-14-5, AS AMENDED BY P.L.141-2006,
5 SECTION 30, AND AS AMENDED BY P.L.145-2006, SECTION 67,
6 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: Sec. 5. Services to support families
8 of persons with disabilities and persons with disabilities may include
9 services available within the division of family ~~and children~~
10 ~~resources~~, the division of disability ~~aging~~ and rehabilitative services,
11 ~~the division of aging~~, the division of mental health and addiction, the
12 state department of health, the department of education, the department
13 of workforce development, and the department of correction, including
14 case management and service coordination.

15 SECTION 96. IC 12-9-1-3, AS AMENDED BY P.L.93-2006,
16 SECTION 8, AND AS AMENDED BY P.L.141-2006, SECTION 32,
17 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: Sec. 3. The division consists of the
19 following bureaus:

20 (1) Disability determination bureaus required or permitted under
21 IC 12-9-6.

22 ~~(2) The bureau of aging and in-home services established by~~
23 ~~IC 12-10-1-1.~~

24 ~~(3)~~ (2) The rehabilitation services bureau established by
25 IC 12-12-1-1.

26 ~~(4)~~ (3) The bureau of developmental disabilities services
27 established by IC 12-11-1.1-1.

28 ~~(5)~~ (4) The bureau of quality improvement services established by
29 IC 12-12.5-1-1.

30 ~~(6)~~ (5) The bureau of child development services established by
31 IC 12-12.7-1-1.

32 SECTION 97. IC 12-9-5-1, AS AMENDED BY P.L.93-2006,
33 SECTION 9, AND AS AMENDED BY P.L.141-2006, SECTION 35,
34 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall administer
36 money appropriated or allocated to the division by the state, including
37 money appropriated or allocated from the following:

38 ~~(1) The Older Americans Act (42 U.S.C. 3001 et seq.).~~

39 ~~(2) The United States Department of Agriculture (7 U.S.C. 612C~~
40 ~~et seq.).~~

41 ~~(3)~~ (1) The federal Vocational Rehabilitation Act (29 U.S.C. 701).

42 ~~(4)~~ (2) The federal Social Services Block Grant in-home services
43 for the elderly and disabled (42 U.S.C. 1397 et seq.).

44 ~~(5)~~ (3) The federal Randolph Sheppard Act (20 U.S.C. 107 et
45 seq.).

46 ~~(6)~~ (4) Medicaid waiver in-home services for the elderly and



disabled (42 U.S.C. 1396 et seq.) *for treatment of developmental disabilities.*

~~(7)~~ (5) Office of Disability Determination (42 U.S.C. 1302 and 42 U.S.C. 1383).

~~(8)~~ (6) *The federal* **Improving Access to Assistive Technology Related Assistance to** for Individuals with Disabilities Act (29 U.S.C. ~~2201~~; **3001 et seq.**).

~~(9)~~ (7) *The federal* Social Security Act Payments for Vocational Rehabilitation Services (42 U.S.C. 422).

~~(10)~~ (8) *Part C of the federal Individuals with Disabilities Education Act, Subchapter III* (20 U.S.C. 1431 et seq.).

~~(11)~~ ~~(8)~~ (9) Money appropriated or allocated to the division to administer a program under this title.

~~(12)~~ ~~(9)~~ (10) Other funding sources that are designated by the general assembly or that are available from the federal government under grants that are consistent with the duties of the division.

SECTION 98. IC 12-9-5-3, AS AMENDED BY P.L.93-2006, SECTION 10, AND AS AMENDED BY P.L.141-2006, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The division shall administer the following programs:

(1) Programs established under any of the following statutes:

(A) This article.

~~(B)~~ ~~IC 12-10.~~

~~(C)~~ (B) IC 12-11.

~~(D)~~ (C) IC 12-12.

~~(E)~~ (D) IC 12-12.5.

~~(F)~~ (E) IC 12-12.7.

(2) Programs under the following statutes, to the extent the division has responsibilities for programs under those statutes:

(A) IC 12-24.

(B) IC 12-26.

(C) IC 12-27.

(D) IC 12-28.

(E) IC 12-29.

~~(F)~~ ~~IC 12-30.~~

(3) Supported employment for a person with developmental disabilities.

(4) Epilepsy service centers program.

(5) Epilepsy clinic program.

(6) Medicaid waivers for in-home services *for treatment of developmental disabilities.*

SECTION 99. IC 12-10-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An individual who is determined ~~as disabled~~ under section ~~2(a)(2)~~ **2.1(a)(2)** of this



chapter **to be incapable of residing in the individual's own home** because of mental illness may be admitted to a home or facility that provides residential care to the extent that money is available for the care.

(b) Within thirty (30) days after a mentally ill individual is placed in a home or facility that provides residential care, a comprehensive care plan must be developed for the individual.

(c) The residential care facility, in cooperation with the community mental health center or an individual's managed care provider (as defined in IC 12-7-2-127(b)) serving the area in which the residential care facility is located, shall develop the comprehensive care plan for the individual. The plan must include the following:

(1) Psychosocial rehabilitation services that are provided within the community.

(2) A comprehensive range of activities to meet multiple levels of need, including the following:

(A) Recreational and socialization activities.

(B) Social skills.

(C) Educational, training, occupational, and work programs.

(D) Opportunities for progression into less restrictive and more independent living arrangements.

(3) Appropriate alternate placement if the individual's needs cannot be met by the facility.

(d) The health facilities council shall, in coordination with the division of mental health and addiction and the division, adopt rules under IC 4-22-2 to govern:

(1) residential care; and

(2) the comprehensive care plan;

provided to individuals suffering from mental illness who reside under this chapter in a home or facility that provides residential care.

SECTION 100. IC 12-13-5-2, AS AMENDED BY P.L.173-2006, SECTION 45, AND AS AMENDED BY P.L.181-2006, SECTION 53, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The division shall administer the following:

(1) Any sexual offense services.

(2) A child development associate scholarship program.

(3) Any school age dependent care program.

(4) Migrant day care services.

(5) Prevention services to high risk youth.

~~(6) Any commodities program.~~

~~(7) (6) The migrant nutrition program.~~

~~(8) Any emergency shelter programs.~~

~~(9) Any weatherization programs.~~

~~(10) The Housing Assistance Act of 1937 (42 U.S.C. 1437).~~

~~(11) (7) The home visitation and social services program.~~



- ~~(12)~~ (8) The educational consultants program.
~~(13)~~ (9) Community restitution or service programs.
~~(14)~~ (10) The crisis nursery program.
~~(15) Energy assistance programs.~~
~~(16)~~ (11) Domestic violence programs.
~~(17)~~ (12) Social services programs.
~~(18) Assistance to migrants and seasonal farmworkers.~~
~~(19)~~ (13) The step ahead comprehensive early childhood grant program.
~~(20)~~ (14) Assistance to victims of human and sexual trafficking offenses as provided in IC 35-42-3.5-4, as appropriate.
~~(20)~~ ~~(21)~~ ~~(14)~~ (15) Any other program:
 (A) designated by the general assembly; or
 (B) administered by the federal government under grants consistent with the duties of the division.

SECTION 101. IC 12-14-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person who is in the United States without permission of the ~~Immigration and Naturalization Service~~ **United States Citizenship and Immigration Services** is not entitled to receive any assistance under this article.

SECTION 102. IC 12-15-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person who is in the United States without permission of the ~~Immigration and Naturalization Service~~ **United States Citizenship and Immigration Services** is not entitled to receive assistance under this article.

SECTION 103. IC 12-15-8.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) ~~Subject to section 10 of this chapter,~~ When the office, in accordance with 42 U.S.C. 1396p, determines that a Medicaid recipient who resides in a medical institution cannot reasonably be expected to be discharged from a medical institution and return home, the office may obtain a lien on the Medicaid recipient's real property for the cost of all Medicaid expenditures made on behalf of the recipient.

(b) The office shall conduct a look back (as described in 42 U.S.C. 1396p(c)) of a Medicaid recipient's property of at least three (3) years.

(c) A lien obtained under this chapter is subordinate to the security interest of a financial institution that loans money to be used as operating capital for the operation of a farm, a business, or income producing real property.

SECTION 104. IC 12-17.2-4-29, AS AMENDED BY P.L.145-2006, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care center and report the division's findings to the attorney general and to the division's attorney and the prosecuting attorney in the county where the child care center is located.

(b) The attorney general or the division's attorney may do the



following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care center if there is reasonable cause to believe that:

(A) the child care center is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care center is operating without a license required under this article.

(c) The division may provide for the removal of children from child care centers described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the division of family resources child care fund established by ~~IC 12-17.2-3-2~~ **IC 12-17.2-2-3**.

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 105. IC 12-17.2-5-29, AS AMENDED BY P.L.145-2006, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care home and report the division's findings to the attorney general and to the division's attorney and the prosecuting attorney in the county where the child care home is located.

(b) The attorney general or the county department of public welfare attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care home if there is reasonable cause to believe that:

(A) the child care home is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care home is operating without a license required under this article.

(c) The division may provide for the removal of children from child



1 care homes described in subsection (b).

2 (d) An opportunity for an informal meeting with the division shall
3 be available after the injunctive relief is ordered.

4 (e) The civil penalties collected under this section shall be deposited
5 in the division of family resources child care fund established by
6 ~~IC 12-17-2-3-2~~ **IC 12-17.2-2-3**.

7 (f) Section 34 of this chapter does not apply to the civil penalties
8 imposed under this section.

9 SECTION 106. IC 12-20-16-3, AS AMENDED BY P.L.141-2006,
10 SECTION 60, AND AS AMENDED BY P.L.181-2006, SECTION 55,
11 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The township trustee
13 may, in cases of necessity, authorize the payment from township
14 assistance money for essential utility services, including the following:

15 (1) Water services.

16 (2) Gas services.

17 (3) Electric services.

18 (4) Fuel oil services for fuel oil used for heating or cooking.

19 (5) Coal, wood, or liquid propane used for heating or cooking.

20 (b) The township trustee may authorize the payment of delinquent
21 bills for the services listed in subsection (a)(1) through (a)(5) when
22 necessary to prevent the termination of the services or to restore
23 terminated service if the delinquency has lasted not longer than
24 twenty-four (24) months. The township trustee has no obligation to pay
25 a delinquent bill for the services or materials listed in subsection (a)(1)
26 through (a)(5) if the delinquency has lasted longer than twenty-four
27 (24) months.

28 (c) The township trustee is not required to pay for any utility
29 service:

30 (1) that is not properly charged to:

31 (A) an adult member of a household;

32 (B) an emancipated minor who is head of the household; or

33 (C) a landlord or former member of the household if the
34 applicant proves that the applicant:

35 (i) received the services as a tenant residing at the service
36 address at the time the cost was incurred; and

37 (ii) is responsible for payment of the bill;

38 (2) received as a result of a fraudulent act by any adult member of
39 a household requesting township assistance; or

40 (3) that includes the use of township assistance funds for the
41 payment of:

42 (A) a security deposit; or

43 (B) damages caused by a township assistance applicant to
44 utility company property.

45 (d) The amount paid by the township trustee, as administrator of
46 township assistance, and the amount charged for water services may



not exceed the minimum rate charged for the service as fixed by the Indiana utility regulatory commission.

(e) This subsection applies only during the part of each year when applications for *heating* assistance are accepted by the ~~division~~ *lieutenant governor* under ~~IC 12-14-11~~ IC 4-4-33. A township trustee may not provide assistance to make any part of a payment for heating fuel or electric services for more than thirty (30) days unless the individual files an application with the township trustee that includes the following:

(1) Evidence of application for assistance for heating fuel or electric services from the ~~division under IC 12-14-11~~ *lieutenant governor*.

(2) The amount of assistance received or the reason for denial of assistance.

The township trustee shall inform an applicant for assistance for heating fuel or electric services that assistance for heating fuel and electric services may be available from the ~~division~~ *lieutenant governor* under ~~IC 12-14-11~~ IC 4-4-33 and that the township trustee may not provide assistance to make any part of a payment for those services for more than thirty (30) days unless the individual files an application for assistance for heating fuel or electric services under ~~IC 12-14-11~~ IC 4-4-33. However, if the applicant household is eligible under criteria established by the ~~division of disability and rehabilitative services~~ *lieutenant governor* for energy assistance under ~~IC 12-14-11~~ IC 4-4-33, the trustee may certify the applicant as eligible for that assistance by completing an application form prescribed by the state board of accounts and forwarding the eligibility certificate to the ~~division of disability and rehabilitative services~~ *lieutenant governor* within the period established for the acceptance of applications. If the trustee follows this certification procedure, no other application is required for assistance under ~~IC 12-14-11~~ IC 4-4-33.

(f) If an individual or a member of an individual's household has received assistance under subsection (b), the individual must, before the individual or the member of the individual's household may receive further assistance under subsection (b), certify whether the individual's or household's income, resources, or household size has changed since the individual filed the most recent application for township assistance. If the individual or a member of the individual's household certifies that the income, resources, or household size has changed, the township trustee shall review the individual's or household's eligibility and may make any necessary adjustments in the level of assistance provided to the individual or to a member of the individual's household.

SECTION 107. IC 12-26-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies under the following statutes:

(1) IC 12-26-6.



1 (2) IC 12-26-7.

2 (3) IC 12-26-12.

3 (4) IC 12-26-15.

4 (b) A petitioner may be represented by counsel.

5 (c) The court may appoint counsel for a petitioner upon a showing
6 of the petitioner's indigency and the court shall pay for such counsel if
7 appointed.

8 (d) A petitioner, including a petitioner who is a health care provider
9 under ~~IC 16-18-2-295(a)~~, **IC 16-18-2-295(b)**, in the petitioner's
10 individual capacity or as a corporation is not required to be represented
11 by counsel. If a petitioner who is a corporation elects not to be
12 represented by counsel, the individual representing the corporation at
13 the commitment hearing must present the court with written
14 authorization from:

15 (1) an officer;

16 (2) a director;

17 (3) a principal; or

18 (4) a manager;

19 of the corporation that authorizes the individual to represent the interest
20 of the corporation in the proceedings.

21 (e) The petitioner is required to prove by clear and convincing
22 evidence that:

23 (1) the individual is mentally ill and either dangerous or gravely
24 disabled; and

25 (2) detention or commitment of that individual is appropriate.

26 SECTION 108. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2005,
27 SECTION 143, IS AMENDED TO READ AS FOLLOWS
28 [EFFECTIVE UPON PASSAGE]: Sec. 13.5. (a) The division may
29 conduct a program to survey and register in a registry of Indiana
30 cemeteries and burial grounds that the division establishes and
31 maintains all cemeteries and burial grounds in each county in Indiana.
32 The division may conduct the program alone or by entering into an
33 agreement with one (1) or more of the following entities:

34 (1) The Indiana Historical Society established under IC 23-6-3.

35 (2) A historical society (as defined in IC 36-10-13-3).

36 (3) The Historic Landmarks Foundation of Indiana.

37 (4) A professional archeologist or historian associated with a
38 college or university.

39 (5) A township trustee.

40 (6) Any other entity that the division selects.

41 (b) In conducting a program under subsection (a), the division may
42 receive gifts and grants under terms, obligations, and liabilities that the
43 director considers appropriate. The director shall use a gift or grant
44 received under this subsection:

45 (1) to carry out subsection (a); and

46 (2) according to the terms of the gift or grant.



(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of ~~16 U.S.C. 470(w)~~ **16 U.S.C. 470w-3** and ~~16 U.S.C. 470(h)(h)~~ **16 U.S.C. 470hh**.

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 109. IC 15-1.5-2-2, AS AMENDED BY P.L.69-2006, SECTION 1, AND AS AMENDED BY P.L.1-2006, SECTION 233, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission consists of eight (8) members as follows:

(1) Five (5) members appointed by the governor.

(2) The presiding officer of the board.

(3) The director of the department of agriculture or the director's designee.

(4) The presiding officer of the trustees or the presiding officer's designee who must be selected from the membership of the trustees.

(b) The chairman of the state fair advisory committee appointed under IC 15-1-1.5-5(c) or a member of the state fair advisory committee designated by the chairman may serve as an ex officio nonvoting member of the commission.

~~(b)~~ (c) Not more than one (1) member appointed under subsection (a)(1) may reside in the same district. Each district is not required to have a member of the commission represent it.

~~(c)~~ (d) Not more than three (3) members appointed under subsection (a)(1) may be affiliated with the same political party.

~~(d)~~ (e) Two (2) members appointed under subsection (a)(1) must have a recognized interest in agriculture or agribusiness.

SECTION 110. IC 15-1.5-10.5-6, AS AMENDED BY P.L.241-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The governor shall appoint an individual to fill a vacancy among the trustees.

(b) The individual appointed by the governor under subsection (a)



1 serves the remainder of the unexpired term of the trustee whom the
2 individual replaces.

3 (c) The period of the unexpired term for which an individual serves
4 after appointment may not be considered in determining the number of
5 years that a trustee has served in a twelve (12) year period for purposes
6 of section ~~5(4)~~ or 5.3(b)(3) of this chapter.

7 SECTION 111. IC 16-22-8-34, AS AMENDED BY P.L.88-2006,
8 SECTION 5, AND AS AMENDED BY P.L.145-2006, SECTION 133,
9 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) The board or
11 corporation may do all acts necessary or reasonably incident to carrying
12 out the purposes of this chapter, including the following:

13 (1) As a municipal corporation, sue and be sued in any court with
14 jurisdiction.

15 (2) To serve as the exclusive local board of health and local
16 department of health within the county with the powers and duties
17 conferred by law upon local boards of health and local
18 departments of health.

19 (3) To adopt and enforce ordinances consistent with Indiana law
20 and administrative rules for the following purposes:

21 (A) To protect property owned or managed by the corporation.

22 (B) To determine, prevent, and abate public health nuisances.

23 (C) To establish quarantine regulations, impose restrictions on
24 persons having infectious or contagious diseases and contacts
25 of the persons, and regulate the disinfection of premises.

26 (D) To license, regulate, and establish minimum sanitary
27 standards for the operation of a business handling, producing,
28 processing, preparing, manufacturing, packing, storing,
29 selling, distributing, or transporting articles used for food,
30 drink, confectionery, or condiment in the interest of the public
31 health.

32 (E) To control:

33 (i) rodents, mosquitos, and other animals, including insects,
34 capable of transmitting microorganisms and disease to
35 humans and other animals; and

36 (ii) the ~~animal's~~ **animals'** breeding places.

37 (F) To require persons to connect to available sewer systems
38 and to regulate the disposal of domestic or sanitary sewage by
39 private methods. However, the board and corporation have no
40 jurisdiction over publicly owned or financed sewer systems or
41 sanitation and disposal plants.

42 (G) To control rabies.

43 (H) For the sanitary regulation of water supplies for domestic
44 use.

45 (I) To protect, promote, or improve public health. For public
46 health activities and to enforce public health laws, the state



- 1 health data center described in IC 16-19-10 shall provide
- 2 health data, medical information, and epidemiological
- 3 information to the corporation.
- 4 (J) To detect, report, prevent, and control disease affecting
- 5 public health.
- 6 (K) To investigate and diagnose health problems and health
- 7 hazards.
- 8 (L) To regulate the sanitary and structural conditions of
- 9 residential and nonresidential buildings and unsafe premises.
- 10 (M) To license and regulate the design, construction, and
- 11 operation of public pools, spas, and beaches.
- 12 (N) To regulate the storage, containment, handling, use, and
- 13 disposal of hazardous materials.
- 14 (O) To license and regulate tattoo parlors and body piercing
- 15 facilities.
- 16 (4) To manage the corporation's hospitals, medical facilities, and
- 17 mental health facilities.
- 18 (5) To furnish health and nursing services to elementary and
- 19 secondary schools within the county.
- 20 (6) To furnish medical care to the indigent within the county
- 21 unless medical care is furnished to the indigent by the division of
- 22 family ~~and children~~ resources.
- 23 (7) To determine the public health policies and programs to be
- 24 carried out and administered by the corporation.
- 25 (8) To adopt an annual budget ordinance and levy taxes.
- 26 (9) To incur indebtedness in the name of the corporation.
- 27 (10) To organize the personnel and functions of the corporation
- 28 into divisions and subdivisions to carry out the corporation's
- 29 powers and duties and to consolidate, divide, or abolish the
- 30 divisions and subdivisions.
- 31 (11) To acquire and dispose of property.
- 32 (12) To receive *charitable contributions* and ~~make~~ gifts as
- 33 *provided in 26 U.S.C 170.*
- 34 *(13) To make charitable contributions and gifts.*
- 35 *(14) To establish a charitable foundation as provided in 26*
- 36 *U.S.C. 501.*
- 37 ~~(15)~~ (15) To receive and distribute federal, state, local, or private
- 38 grants.
- 39 *(16) To receive and distribute grants from charitable foundations.*
- 40 *(17) To establish nonprofit corporations to carry out the purposes*
- 41 *of the corporation.*
- 42 ~~(18)~~ (18) To erect buildings or structures or improvements to
- 43 existing buildings or structures.
- 44 ~~(19)~~ (19) To determine matters of policy regarding internal
- 45 organization and operating procedures.
- 46 ~~(20)~~ (20) To do the following:



- 1 (A) Adopt a schedule of reasonable charges for nonresidents
- 2 of the county for medical and mental health services.
- 3 (B) Collect the charges from the patient or from the
- 4 governmental unit where the patient resided at the time of the
- 5 service.
- 6 (C) Require security for the payment of the charges.
- 7 ~~(17)~~ (21) To adopt a schedule of and to collect reasonable charges
- 8 for patients able to pay in full or in part.
- 9 ~~(18)~~ (22) To enforce Indiana laws, administrative rules, and the
- 10 code of the health and hospital corporation of the county.
- 11 ~~(19)~~ (23) To purchase supplies, materials, and equipment for the
- 12 corporation.
- 13 ~~(20)~~ (24) To employ personnel and establish personnel policies to
- 14 carry out the duties, functions, and powers of the corporation.
- 15 ~~(21)~~ (25) To employ attorneys admitted to practice law in Indiana.
- 16 ~~(22)~~ (26) To acquire, erect, equip, and operate the corporation's
- 17 hospitals, medical facilities, and mental health facilities.
- 18 ~~(23)~~ (27) To dispose of surplus property in accordance with a
- 19 policy by the board.
- 20 ~~(24)~~ (28) To determine the duties of officers and division
- 21 directors.
- 22 ~~(25)~~ (29) To fix the compensation of the officers and division
- 23 directors.
- 24 ~~(26)~~ (30) To carry out the purposes and object of the corporation.
- 25 ~~(27)~~ (31) To obtain loans for hospital expenses in amounts and
- 26 upon terms agreeable to the board. The board may secure the
- 27 loans by pledging accounts receivable or other security in hospital
- 28 funds.
- 29 ~~(28)~~ (32) To establish fees for licenses, services, and records. The
- 30 corporation may accept payment by credit card for fees.
- 31 (b) The board shall exercise the board's powers and duties in a
- 32 manner consistent with Indiana law, administrative rules, and the code
- 33 of the health and hospital corporation of the county.
- 34 SECTION 112. IC 16-28-1-1, AS AMENDED BY P.L.141-2006,
- 35 SECTION 84, AND AS AMENDED BY P.L.145-2006, SECTION
- 36 134, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 37 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The Indiana health
- 38 facilities council is created. The council consists of fourteen (14)
- 39 members as follows:
- 40 (1) One (1) licensed physician.
- 41 (2) Two (2) administrators, licensed under IC 25-19-1, of a
- 42 proprietary health facility licensed under this article.
- 43 (3) One (1) administrator, licensed under IC 25-19-1, of a
- 44 nonproprietary health facility licensed under this article.
- 45 (4) One (1) registered nurse licensed under IC 25-23.
- 46 (5) One (1) registered pharmacist licensed under IC 25-26.



(6) Two (2) citizens having knowledge or experience in the field of gerontology.

(7) One (1) representative of a statewide senior citizens organization.

(8) One (1) citizen having knowledge or experience in the field of mental health.

(9) One (1) nurse-educator of a practical nurse program.

(10) The commissioner.

(11) The director of the division of family ~~and children~~ resources or the director's designee.

(12) The director of the division of ~~disability~~, aging ~~and rehabilitative services~~ or the director's designee.

(b) The members of the council designated by subsection (a)(1) through (a)(9) shall be appointed by the governor.

(c) Except for the members of the council designated by subsection (a)(10) through (a)(12), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy is filled from the same group that was represented by the outgoing member.

(d) Except for the members of the council designated by subsection (a)(2) through (a)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a facility licensed under this article.

SECTION 113. IC 16-28-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The application of this chapter to a health care facility or an entity in the business of contracting to provide nurse aides or other unlicensed employees for a health care facility is limited to an individual:

(1) who is employed by:

(A) a health care facility; or

(B) ~~an~~ an entity in the business of contracting to provide nurse aides or other unlicensed employees for a health care facility; and

(2) whose employment or responsibilities are limited to activities primarily performed within a health care facility.

SECTION 114. IC 16-33-4-11, AS AMENDED BY P.L.145-2006, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) After an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee, the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under



subsubsection (a) the child must meet the following requirements:

(1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.

(2) The child is at least three (3) years of age but less than eighteen (18) years of age.

(3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the home may, if a child meets the requirements under subsection (b), receive as residents in the home the:

(1) grandchildren;

(2) stepchildren;

(3) brothers;

(4) sisters;

(5) nephews; and

(6) nieces;

of members of the armed forces who are in need of residential care and education.

(d) If the applications of all children eligible for residence under subsections (a) through (c) have been considered and if space is available, the superintendent may accept for residence children referred:

(1) by the department of child services established by ~~IC 31-33-1.5-2~~; **IC 31-25-1-1**; or

(2) by the division of special education established by IC 20-35-2-1;

subject to an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including a consideration of appropriateness of placement, and the approval of the state health commissioner or the commissioner's designee.

SECTION 115. IC 16-39-2-6, AS AMENDED BY P.L.141-2006, SECTION 91, AND AS AMENDED BY P.L.145-2006, SECTION 141, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

(1) To individuals who meet the following conditions:

(A) Are employed by:

(i) the provider at the same facility or agency;

(ii) a managed care provider (as defined in IC 12-7-2-127(b)); or

(iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.

(B) Are involved in the planning, provision, and monitoring of



- 1 services.
- 2 (2) To the extent necessary to obtain payment for services
- 3 rendered or other benefits to which the patient may be entitled, as
- 4 provided in IC 16-39-5-3.
- 5 (3) To the patient's court appointed counsel and to the Indiana
- 6 protection and advocacy services commission.
- 7 (4) For research conducted in accordance with IC 16-39-5-3 and
- 8 the rules of the division of mental health and addiction, the rules
- 9 of the division of disability ~~aging~~ and rehabilitative services, or
- 10 the rules of the provider.
- 11 (5) To the division of mental health and addiction for the purpose
- 12 of data collection, research, and monitoring managed care
- 13 providers (as defined in IC 12-7-2-127(b)) who are operating
- 14 under a contract with the division of mental health and addiction.
- 15 (6) To the extent necessary to make reports or give testimony
- 16 required by the statutes pertaining to admissions, transfers,
- 17 discharges, and guardianship proceedings.
- 18 (7) To a law enforcement agency if any of the following
- 19 conditions are met:
- 20 (A) A patient escapes from a facility to which the patient is
- 21 committed under IC 12-26.
- 22 (B) The superintendent of the facility determines that failure
- 23 to provide the information may result in bodily harm to the
- 24 patient or another individual.
- 25 (C) A patient commits or threatens to commit a crime on
- 26 facility premises or against facility personnel.
- 27 (D) A patient is in the custody of a law enforcement officer or
- 28 agency for any reason and:
- 29 (i) the information to be released is limited to medications
- 30 currently prescribed for the patient or to the patient's history
- 31 of adverse medication reactions; and
- 32 (ii) the provider determines that the release of the
- 33 medication information will assist in protecting the health,
- 34 safety, or welfare of the patient.
- 35 Mental health records released under this clause must be
- 36 maintained in confidence by the law enforcement agency
- 37 receiving them.
- 38 (8) To a coroner or medical examiner, in the performance of the
- 39 individual's duties.
- 40 (9) To a school in which the patient is enrolled if the
- 41 superintendent of the facility determines that the information will
- 42 assist the school in meeting educational needs of a person with a
- 43 disability under 20 U.S.C. 1400 et seq.
- 44 (10) To the extent necessary to satisfy reporting requirements
- 45 under the following statutes:
- 46 (A) IC 12-10-3-10.



- 1 (B) IC 12-24-17-5.
 2 (C) IC 16-41-2-3.
 3 (D) IC 31-25-3-2.
 4 ~~(D)~~ (E) IC 31-33-5-4.
 5 ~~(E)~~ (F) IC 34-30-16-2.
 6 ~~(F)~~ (G) IC 35-46-1-13.
 7 (11) To the extent necessary to satisfy release of information
 8 requirements under the following statutes:
 9 (A) IC 12-24-11-2.
 10 (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
 11 (C) IC 12-26-11.
 12 (12) To another health care provider in a health care emergency.
 13 (13) For legitimate business purposes as described in
 14 IC 16-39-5-3.
 15 (14) Under a court order under IC 16-39-3.
 16 (15) With respect to records from a mental health or
 17 developmental disability facility, to the United States Secret
 18 Service if the following conditions are met:
 19 (A) The request does not apply to alcohol or drug abuse
 20 records described in 42 U.S.C. 290dd-2 unless authorized by
 21 a court order under 42 U.S.C. 290dd-2(b)(2)(c).
 22 (B) The request relates to the United States Secret Service's
 23 protective responsibility and investigative authority under 18
 24 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
 25 (C) The request specifies an individual patient.
 26 (D) The director or superintendent of the facility determines
 27 that disclosure of the mental health record may be necessary
 28 to protect a person under the protection of the United States
 29 Secret Service from serious bodily injury or death.
 30 (E) The United States Secret Service agrees to only use the
 31 mental health record information for investigative purposes
 32 and not disclose the information publicly.
 33 (F) The mental health record information disclosed to the
 34 United States Secret Service includes only:
 35 (i) the patient's name, age, and address;
 36 (ii) the date of the patient's admission to or discharge from
 37 the facility; and
 38 (iii) any information that indicates whether or not the patient
 39 has a history of violence or presents a danger to the person
 40 under protection.
 41 (16) To the statewide waiver ombudsman established under
 42 IC 12-11-13, in the performance of the ombudsman's duties.
 43 (b) After information is disclosed under subsection (a)(15) and if the
 44 patient is evaluated to be dangerous, the records shall be interpreted in
 45 consultation with a licensed mental health professional on the staff of
 46 the United States Secret Service.



(c) A person who discloses information under subsection (a)(7) or (a)(15) in good faith is immune from civil and criminal liability.

SECTION 116. IC 16-41-27-5, AS AMENDED BY P.L.87-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. ~~(a)~~ As used in this chapter, "mobile home community" means an area of land on which at least five (5) mobile homes are located for the purpose of being occupied as principal residences. The term includes the following:

(1) All real and personal property used in the operation of the mobile home community.

(2) An area of land that is subdivided and contains individual lots that are leased or otherwise contracted if at least five (5) mobile homes or manufactured homes are harbored on temporary supports there for the purpose of being occupied as principal residences.

~~This subsection expires December 31, 2005.~~

~~(b)~~ (a) As used in this chapter, "mobile home community" after December 31, 2005, means one (1) or more parcels of land:

(1) that are subdivided and contain individual lots that are leased or otherwise contracted;

(2) that are owned, operated, or under the control of one (1) or more persons; and

(3) on which a total of at least five (5) mobile homes or manufactured homes are located for the purpose of being occupied as principal residences.

~~(c)~~ (b) The term after December 31, 2005, includes the following:

(1) All real and personal property used in the operation of the mobile home community.

(2) A single parcel of land.

(3) Contiguous but separately owned parcels of land that are jointly operated.

(4) Parcels of land:

(A) that are separated by other parcels of land; and

(B) that are:

(i) jointly operated; and

(ii) connected by a private road.

(5) One (1) or more parcels of land, if at least two (2) of the mobile homes or manufactured homes located on the land are:

(A) accessible from a private road or interconnected private roads;

(B) served by a common water distribution system; or

(C) served by a common sewer or septic system.

SECTION 117. IC 20-23-7-12, AS AMENDED BY P.L.1-2006, SECTION 317, AND AS AMENDED BY P.L.2-2006, SECTION 98, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) *As used in this section,*



1 *"county" means the county in which the school township is located.*

2 (b) As used in this section, "school township" means a school
3 township ~~of this state in Indiana~~ that:

4 (1) for the last full school semester immediately preceding:

5 (A) the adoption of a preliminary resolution by the township
6 trustee and the township board under subsection (f); or

7 (B) ~~the their~~ adoption of a resolution of disapproval ~~by the~~
8 ~~township trustee and the township board~~ under subsection (g);

9 had an ~~average daily membership~~ ADM of at least six hundred
10 (600) students in kindergarten through grade 12 in the public
11 schools of the school township; or

12 (2) is part of a township in which there were more votes cast for
13 township trustee outside the school township than inside the
14 school township in the general election at which the trustee was
15 elected and that preceded the adoption of the preliminary or
16 disapproving resolution.

17 (c) *As used in this section, "township board" means the township*
18 *board of a township in which the school township is located.*

19 ~~(b)~~ (d) As used in this section, "township trustee" means the
20 township trustee of the township in which the school township is
21 located.

22 ~~(c)~~ *As used in this section, "township board" means the township*
23 *board of the township in which the school township is located.*

24 ~~(d)~~ *As used in this section, "county" means the county in which the*
25 *school township is located.*

26 (e) In a school township, a metropolitan school district may be
27 created by complying with this section. A metropolitan school district
28 created under this section shall have the same boundaries as the school
29 township. After a district has been created under this section, the
30 school township that preceded the metropolitan school district is
31 abolished. ~~None of~~ The procedures or provisions governing the creation
32 of a metropolitan school district under another section of this chapter
33 ~~are applicable~~ do not apply to the creation of a district under this
34 section. After a *metropolitan school* district is created under this
35 section, the ~~metropolitan school~~ district shall, except as otherwise
36 provided in this section, be governed by and operate in accordance with
37 this chapter governing the operation of a metropolitan school district
38 as established under section 2 of this chapter.

39 (f) Except as provided in subsection (g), a metropolitan school
40 district provided for in subsection (e) may be created in the following
41 manner:

42 (1) The township trustee shall call a meeting of the township
43 board. At the meeting, the township trustee and a majority of the
44 township board shall adopt a resolution that a metropolitan school
45 district shall be created in the school township. The township
46 trustee shall then give notice:



- 1 (A) by ~~publication by~~ two (2) ~~insertions~~ *publications* one (1)
 2 week apart in a newspaper of general circulation published in
 3 the school township; or
 4 (B) if there is no newspaper as described in clause (A), in a
 5 newspaper of general circulation in the county;
 6 of the adoption of the resolution setting forth the text of the
 7 resolution.
- 8 (2) On the thirtieth day after the date of the last publication of the
 9 notice under subdivision (1) and if a protest has not been filed, the
 10 township trustee and a majority of the township board shall
 11 confirm their preliminary resolution. If, however, on or before the
 12 twenty-ninth day after the date of the last publication of the
 13 notice, a number of registered voters of the school township,
 14 equal to five percent (5%) or more of the number of votes cast in
 15 the school township for secretary of state at the last preceding
 16 general election for that office, sign and file with the township
 17 trustee a petition requesting an election in the school township to
 18 determine whether or not a metropolitan school district must be
 19 created in the township in accordance with the preliminary
 20 resolution, then an election must be held as provided in
 21 subsection (h). The preliminary resolution and confirming
 22 resolution provided in this subsection shall both be adopted at a
 23 meeting of the township trustee and township board in which the
 24 township trustee and each member of the township board received
 25 or waived a written notice of the date, time, place, and purpose of
 26 the meeting. The resolution and the proof of service or waiver of
 27 the notice shall be made a part of the records of the township
 28 board.
- 29 (g) Except as provided in subsection (f), a metropolitan school
 30 district may also be created in the following manner:
- 31 (1) A number of registered voters of the school township, equal
 32 to five percent (5%) or more of the votes cast in the school
 33 township for secretary of state at the last general election for that
 34 office, shall sign and file with the township trustee a petition
 35 requesting the creation of a metropolitan school district under this
 36 section.
- 37 (2) The township trustee and a majority of the township board
 38 shall, not more than ten (10) days after the filing of a petition:
- 39 (A) adopt a preliminary resolution that a metropolitan school
 40 district shall be created in the school township and proceed as
 41 provided in subsection (f); or
 42 (B) adopt a resolution disapproving the creation of the district.
- 43 (3) If either the township trustee or a majority of township board
 44 members vote in favor of disapproving the resolution, an election
 45 must be held to determine whether or not a metropolitan school
 46 district shall be created in the school township in the same



manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) ~~insertions~~ *publications* one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and ~~at an hour~~ *time* named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the ~~special~~ *general* school fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of



the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without *other* compensation or reimbursement for expenses, *other* than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and 8 of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until July 1 following the election of a metropolitan school board at the first primary election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent



of the district provided in this chapter.

SECTION 118. IC 20-26-11-8, AS AMENDED BY P.L.141-2006, SECTION 94, AND AS AMENDED BY P.L.145-2006, SECTION 148, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

(1) by or with the consent of the ~~division of family and children;~~
~~department of child services;~~

(2) by a court order; or

(3) by a child placing agency licensed by the ~~division of family and children;~~ ~~department of child services;~~

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as disabled under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under IC 20-35-2-1(b)(5).

(c) A student who is placed in:

(1) an institution operated by the division of disability ~~aging;~~ and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group



home, or an alternative family setting by the division of disability
aging, and rehabilitative services or the division of mental health
and addiction;

may attend school in the school corporation in which the institution is
located. The state shall pay the transfer tuition of the student, unless
another entity is required to pay the transfer tuition as a result of a
placement described in subsection (a) or (b) or another state is
obligated to pay the transfer tuition.

(d) A student:

(1) who is placed in a facility, home, or institution described in
subsection (a), (b), or (c); and

(2) for whom there is no other entity or person required to pay
transfer tuition;

may attend school in the school corporation in which the facility, home,
or institution is located. The department shall conduct an investigation
and determine whether any other entity or person is required to pay
transfer tuition. If the department determines that no other entity or
person is required to pay transfer tuition, the state shall pay the transfer
tuition for the student out of the funds appropriated for tuition support.

SECTION 119. IC 20-26-11-13, AS AMENDED BY P.L.2-2006,
SECTION 130, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 13. (a) As used in this section,
the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or
program in the transferee corporation by the grades or special
programs taught at the school. Generally, these classifications are
denominated as kindergarten, elementary school, middle school
or junior high school, high school, and special schools or classes,
such as schools or classes for special education, vocational
training, or career education.

(2) "Special equipment" means equipment that during a school
year:

(A) is used only when a child with disabilities is attending
school;

(B) is not used to transport a child to or from a place where the
child is attending school;

(C) is necessary for the education of each child with
disabilities that uses the equipment, as determined under the
individualized education program for the child; and

(D) is not used for or by any child who is not a child with
disabilities.

(3) "Student enrollment" means the following:

(A) The total number of students in kindergarten through
grade 12 who are enrolled in a transferee school corporation
on a date determined by the state board.

(B) The total number of students enrolled in a class of school



1 in a transferee school corporation on a date determined by the
2 state board.

3 However, a kindergarten student shall be counted under clauses
4 (A) and (B) as one-half (1/2) student. The state board may select
5 a different date for counts under this subdivision. However, the
6 same date shall be used for all school corporations making a count
7 for the same class of school.

8 (b) Each transferee corporation is entitled to receive for each school
9 year on account of each transferred student, except a student
10 transferred under section 6 of this chapter, transfer tuition from the
11 transferor corporation or the state as provided in this chapter. Transfer
12 tuition equals the amount determined under STEP THREE of the
13 following formula:

14 STEP ONE: Allocate to each transfer student the capital
15 expenditures for any special equipment used by the transfer
16 student and a proportionate share of the operating costs incurred
17 by the transferee school for the class of school where the transfer
18 student is enrolled.

19 STEP TWO: If the transferee school included the transfer student
20 in the transferee school's ADM for a school year, allocate to the
21 transfer student a proportionate share of the following general
22 fund revenues of the transferee school for, except as provided in
23 clause (C), the calendar year in which the school year ends:

24 (A) State tuition support distributions.

25 (B) Property tax levies.

26 (C) Excise tax revenue (as defined in IC 20-43-1-12) received
27 for deposit in the calendar year in which the school year
28 begins.

29 (D) Allocations to the transferee school under IC 6-3.5.

30 STEP THREE: Determine the greater of:

31 (A) zero (0); or

32 (B) the result of subtracting the STEP TWO amount from the
33 STEP ONE amount.

34 If a child is placed in an institution or facility in Indiana under a court
35 order, the institution or facility shall charge the county office of the
36 county of the student's legal settlement under IC 12-19-7 for the use of
37 the space within the institution or facility (commonly called capital
38 costs) that is used to provide educational services to the child based
39 upon a prorated per student cost.

40 (c) Operating costs shall be determined for each class of school
41 where a transfer student is enrolled. The operating cost for each class
42 of school is based on the total expenditures of the transferee
43 corporation for the class of school from its general fund expenditures
44 as specified in the classified budget forms prescribed by the state board
45 of accounts. This calculation excludes:

46 (1) capital outlay;



1 (2) debt service;
 2 (3) costs of transportation;
 3 (4) salaries of board members;
 4 (5) contracted service for legal expenses; and
 5 (6) any expenditure that is made out of the general fund from
 6 extracurricular account receipts;
 7 for the school year.

8 (d) The capital cost of special equipment for a school year is equal
 9 to:

10 (1) the cost of the special equipment; divided by

11 (2) the product of:

12 (A) the useful life of the special equipment, as determined
 13 under the rules adopted by the state board; multiplied by

14 (B) the number of students using the special equipment during
 15 at least part of the school year.

16 (e) When an item of expense or cost described in subsection (c)
 17 cannot be allocated to a class of school, it shall be prorated to all
 18 classes of schools on the basis of the student enrollment of each class
 19 in the transferee corporation compared with the total student
 20 enrollment in the school corporation.

21 (f) Operating costs shall be allocated to a transfer student for each
 22 school year by dividing:

23 (1) the transferee school corporation's operating costs for the class
 24 of school in which the transfer student is enrolled; by

25 (2) the student enrollment of the class of school in which the
 26 transfer student is enrolled.

27 When a transferred student is enrolled in a transferee corporation for
 28 less than the full school year of student attendance, the transfer tuition
 29 shall be calculated by the part of the school year for which the
 30 transferred student is enrolled. A school year of student attendance
 31 consists of the number of days school is in session for student
 32 attendance. A student, regardless of the student's attendance, is enrolled
 33 in a transferee school unless the student is no longer entitled to be
 34 transferred because of a change of residence, the student has been
 35 excluded or expelled from school for the balance of the school year or
 36 for an indefinite period, or the student has been confirmed to have
 37 withdrawn from school. The transferor and the transferee corporation
 38 may enter into written agreements concerning the amount of transfer
 39 tuition due in any school year. If an agreement cannot be reached, the
 40 amount shall be determined by the state board, and costs may be
 41 established, when in dispute, by the state board of accounts.

42 (g) A transferee school shall allocate revenues described in
 43 subsection (b) STEP TWO to a transfer student by dividing:

44 (1) the total amount of revenues received; by

45 (2) the ADM of the transferee school for the school year that ends
 46 in the calendar year in which the revenues are received.



1 However, for state tuition support distributions or any other state
 2 distribution computed using less than the total ADM of the transferee
 3 school, the transferee school shall allocate the revenues to the transfer
 4 student by dividing the revenues that the transferee school is eligible
 5 to receive in a calendar year by the student count used to compute the
 6 state distribution.

7 (h) Instead of the payments provided in subsection (b), the
 8 transferor corporation or state owing transfer tuition may enter into a
 9 long term contract with the transferee corporation governing the
 10 transfer of students. The contract may:

- 11 (1) be entered into for a period of not more than five (5) years
 12 with an option to renew;
- 13 (2) specify a maximum number of students to be transferred; and
- 14 (3) fix a method for determining the amount of transfer tuition
 15 and the time of payment, which may be different from that
 16 provided in section 14 of this chapter.

17 (i) ~~If the A school corporation can meet the requirements of~~
 18 ~~IC 20-43-9-8,~~ it may negotiate transfer tuition agreements with a
 19 neighboring school corporation that can accommodate additional
 20 students. Agreements under this section may:

- 21 (1) be for one (1) year or longer; and
- 22 (2) fix a method for determining the amount of transfer tuition or
 23 time of payment that is different from the method, amount, or
 24 time of payment that is provided in this section or section 14 of
 25 this chapter.

26 A school corporation may not transfer a student under this section
 27 without the prior approval of the child's parent.

28 (j) If a school corporation experiences a net financial impact with
 29 regard to transfer tuition that is negative for a particular school year as
 30 described in IC 20-45-6-8, the school corporation may appeal for an
 31 excessive levy as provided under IC 20-45-6-8.

32 SECTION 120. IC 20-29-2-4, AS ADDED BY P.L.1-2005,
 33 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 UPON PASSAGE]: Sec. 4. "Certificated employee" means a person:

- 35 (1) whose contract with the school corporation requires that the
 36 person hold a license or permit from the **division of** professional
 37 standards ~~board of the department~~ under IC 20-28; or
- 38 (2) who is employed as a teacher by a charter school established
 39 under IC 20-24.

40 SECTION 121. IC 20-33-2-32, AS AMENDED BY P.L.1-2006,
 41 SECTION 334, AND AS AMENDED BY P.L.2-2006, SECTION 152,
 42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 43 [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) In a county that has not
 44 been completely reorganized under IC 20-23-4, the governing body of
 45 each school corporation that constitutes a separate attendance district
 46 under section ~~3~~ ~~33~~ 30 of this chapter shall appoint an attendance



1 officer. One (1) additional attendance officer may be appointed for
 2 every seven thousand five hundred (7,500) students in *average daily*
 3 *attendance ADA* in the corporation.

4 (b) Whenever the governing body of a school corporation makes an
 5 appointment under this section, it shall appoint an individual
 6 nominated by the superintendent. However, the governing body may
 7 decline to appoint any nominee and require another nomination. The
 8 salary of each attendance officer appointed under this section shall be
 9 fixed by the governing body. In addition to salary, the officer is entitled
 10 to receive reimbursement for actual expenses necessary to properly
 11 perform the officer's duties. The salary and expenses of an attendance
 12 officer appointed under this section shall be paid by the treasurer of the
 13 county in which the officer serves, on a warrant signed by the county
 14 auditor. The county council shall appropriate, and the board of county
 15 commissioners shall allow, the funds necessary to make these
 16 payments. However, a warrant shall not be issued to an attendance
 17 officer until the attendance officer has filed an itemized statement with
 18 the county auditor. This statement shall show the time employed and
 19 expenses incurred. The superintendent shall approve the statement and
 20 certify that it is correct.

21 SECTION 122. IC 20-33-3-8, AS ADDED BY P.L.1-2005,
 22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 8. (a) The issuing officer in each accredited
 24 school (as described in IC 20-19-2-8(a)(5)) shall be an individual who
 25 is:

- 26 (1) a guidance counselor;
 - 27 (2) a school social worker; or
 - 28 (3) an attendance officer for the school corporation and a teacher
 29 licensed by the **division of** professional standards **board of the**
 30 **department** under IC 20-28-4 or IC 20-28-5;
- 31 and designated in writing by the principal.

32 (b) During the times in which the individual described in subsection
 33 (a) is not employed by the school or when school is not in session, there
 34 shall be an issuing officer available:

- 35 (1) who is a teacher licensed by the **division of** professional
 36 standards **board of the department** under IC 20-28-4 or
 37 IC 20-28-5; and
- 38 (2) whose identity and hours of work shall be determined by the
 39 principal.

40 SECTION 123. IC 20-35-2-1, AS AMENDED BY P.L.93-2006,
 41 SECTION 16, AND AS AMENDED BY P.L.141-2006, SECTION 96,
 42 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 43 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) There is established
 44 under the state board a division of special education. The division shall
 45 exercise all the power and duties set out in this chapter, IC 20-35-3
 46 through IC 20-35-6, and IC 20-35-8.



(b) The governor shall appoint, upon the recommendation of the state superintendent, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

(1) To do the following:

(A) Have general supervision of all programs, classes, and schools for children with disabilities, including those conducted by public schools, the Indiana School for the Blind and Visually Impaired, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability ~~aging~~, and rehabilitative services, and the division of mental health and addiction.

(B) Coordinate the work of schools described in clause (A).

For programs for preschool children with disabilities as required under IC 20-35-4-9, have general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under IC 20-35-4-9. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the state board, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the state board, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the state board concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each



- 1 exceptionality included within the class size ranges.
- 2 (B) The role of the teacher aide.
- 3 (C) Minimum training recommendations for teacher aides and
- 4 recommended procedures for the supervision of teacher aides.
- 5 (7) To cooperate with the interagency coordinating council
- 6 established by ~~IC 12-17-15-7~~ IC 12-12.7-2-7 to ensure that the
- 7 preschool special education programs required by IC 20-35-4-9
- 8 are consistent with the early intervention services program
- 9 described in ~~IC 12-17-15~~ IC 12-12.7-2.
- 10 (c) The director or the state board may exercise authority over
- 11 vocational programs for children with disabilities through a letter of
- 12 agreement with the department of workforce development.
- 13 SECTION 124. IC 20-35-3-1, AS AMENDED BY P.L.141-2006,
- 14 SECTION 97, AND AS AMENDED BY P.L.145-2006, SECTION
- 15 152, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The state superintendent
- 17 shall appoint a state advisory council on the education of children with
- 18 disabilities. The state advisory council's duties consist of providing
- 19 policy guidance concerning special education and related services for
- 20 children with disabilities. The state superintendent shall appoint at least
- 21 seventeen (17) members who serve for a term of four (4) years.
- 22 Vacancies shall be filled in the same manner for the unexpired balance
- 23 of the term.
- 24 (b) The members of the state advisory council must be:
- 25 (1) citizens of Indiana;
- 26 (2) representative of the state's population; and
- 27 (3) selected on the basis of their involvement in or concern with
- 28 the education of children with disabilities.
- 29 (c) A majority of the members of the state advisory council must be
- 30 individuals with disabilities or the parents of children with disabilities.
- 31 Members must include the following:
- 32 (1) Parents of children with disabilities.
- 33 (2) Individuals with disabilities.
- 34 (3) Teachers.
- 35 (4) Representatives of higher education institutions that prepare
- 36 special education and related services personnel.
- 37 (5) State and local education officials.
- 38 (6) Administrators of programs for children with disabilities.
- 39 (7) Representatives of state agencies involved in the financing or
- 40 delivery of related services to children with disabilities, including
- 41 the following:
- 42 (A) The commissioner of the state department of health or the
- 43 commissioner's designee.
- 44 (B) The director of the division of disability ~~aging~~ and
- 45 rehabilitative services or the director's designee.
- 46 (C) The director of the division of mental health and addiction



- 1 or the director's designee.
- 2 (D) The director of the ~~division of family and children~~
3 *department of child services* or the director's designee.
- 4 (8) Representatives of nonpublic schools and freeway schools.
- 5 (9) One (1) or more representatives of vocational, community, or
6 business organizations concerned with the provision of
7 transitional services to children with disabilities.
- 8 (10) Representatives of the department of correction.
- 9 (11) A representative from each of the following:
10 (A) The Indiana School for the Blind and Visually Impaired
11 board.
12 (B) The Indiana School for the Deaf board.
- 13 (d) The responsibilities of the state advisory council are as follows:
14 (1) To advise the state superintendent and the state board
15 regarding all rules pertaining to children with disabilities.
16 (2) To recommend approval or rejection of completed
17 comprehensive plans submitted by school corporations acting
18 individually or on a joint school services program basis with other
19 corporations.
20 (3) To advise the department of unmet needs within Indiana in the
21 education of children with disabilities.
22 (4) To provide public comment on rules proposed by the state
23 board regarding the education of children with disabilities.
24 (5) To advise the department in developing evaluations and
25 reporting data to the United States Secretary of Education under
26 20 U.S.C. 1418.
27 (6) To advise the department in developing corrective action
28 plans to address findings identified in federal monitoring reports
29 under 20 U.S.C. 1400 et seq.
30 (7) To advise the department in developing and implementing
31 policies related to the coordination of services for children with
32 disabilities.
- 33 (e) The state advisory council shall do the following:
34 (1) Organize with a chairperson selected by the state
35 superintendent.
36 (2) Meet as often as necessary to conduct the council's business
37 at the call of the chairperson, upon ten (10) days written notice,
38 but not less than four (4) times a year.
- 39 (f) Members of the state advisory council are entitled to reasonable
40 amounts for expenses necessarily incurred in the performance of their
41 duties.
- 42 (g) The state superintendent shall do the following:
43 (1) Designate the director to act as executive secretary of the state
44 advisory council.
45 (2) Furnish all professional and clerical assistance necessary for
46 the performance of the state advisory council's powers and duties.



(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 125. IC 20-35-7-4, AS AMENDED BY P.L.141-2006, SECTION 99, AND AS AMENDED BY P.L.145-2006, SECTION 154, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

(1) Public school corporations that operate programs individually or cooperatively with other school corporations.

(2) Community agencies operated or supported by the office of the secretary of family and social services.

(3) State developmental centers operated by the division of disability ~~aging~~, and rehabilitative services.

(4) State hospitals operated by the division of mental health and addiction.

(5) State schools and programs operated by the state department of health.

(6) Programs operated by the department of correction.

(7) Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the ~~division of family and children~~ department of child services, or ~~other~~ **another** public entity.

SECTION 126. IC 20-35-8-2, AS AMENDED BY P.L.2-2006, SECTION 159, AND AS AMENDED BY P.L.141-2006, SECTION 102, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The state board shall adopt rules under IC 4-22-2 to establish limits on the amount of transportation that may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules must limit the transportation required by the student's individualized education program to the following:

(1) The student's first entrance and final departure each school year.

(2) Round trip transportation each school holiday period.

(3) Two (2) additional round trips each school year.

(b) If a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-26-11-1 through IC 20-26-11-4 shall pay the cost of transportation required by the student's individualized education program. *However, if a transfer student was counted as an eligible student for purposes of a distribution in a*



calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

(1) The quotient of:

(A) the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends; divided by

(B) the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1);

(2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) If a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability ~~aging~~, and rehabilitative services;

or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind and Visually Impaired; or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

(d) If a student is placed in a private facility under IC 20-35-6-2 in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

SECTION 127. IC 21-10-3-3, AS ADDED BY P.L.191-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Not later than November 1 of each year, the state board, assisted by the office of management and budget and school corporation officials, shall submit a report to the state superintendent, the governor, and the general assembly concerning the following:

(1) Consolidated purchasing arrangements used by multiple school corporations, through educational ~~services~~, **service centers**, and throughout Indiana.

(2) Shared services arrangements used by multiple school corporations, through educational service centers, and in the state



1 as a whole.

2 (3) The efforts of school corporations to explore cooperatives,
3 common management, or consolidations.

4 The report to the general assembly must be submitted to the executive
5 director of the legislative services agency in an electronic format under
6 IC 5-14-6.

7 SECTION 128. IC 22-15-5-16, AS AMENDED BY P.L.151-2006,
8 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the
10 standards established under this licensing program. A practitioner is
11 subject to the exercise of the disciplinary sanctions under subsection
12 (b) if the department finds that a practitioner has:

13 (1) engaged in or knowingly cooperated in fraud or material
14 deception in order to obtain a license to practice, including
15 cheating on a licensing examination;

16 (2) engaged in fraud or material deception in the course of
17 professional services or activities;

18 (3) advertised services or goods in a false or misleading manner;

19 (4) falsified or knowingly allowed another person to falsify
20 attendance records or certificates of completion of continuing
21 education courses provided under this chapter;

22 (5) been convicted of a crime that has a direct bearing on the
23 practitioner's ability to continue to practice competently;

24 (6) knowingly violated a state statute or rule or federal statute or
25 regulation regulating the profession for which the practitioner is
26 licensed;

27 (7) continued to practice although the practitioner has become
28 unfit to practice due to:

29 (A) professional incompetence;

30 (B) failure to keep abreast of current professional theory or
31 practice;

32 (C) physical or mental disability; or

33 (D) addiction to, abuse of, or severe dependency on alcohol or
34 other drugs that endanger the public by impairing a
35 practitioner's ability to practice safely;

36 (8) engaged in a course of lewd or immoral conduct in connection
37 with the delivery of services to the public;

38 (9) allowed the practitioner's name or a license issued under this
39 chapter to be used in connection with an individual or business
40 who renders services beyond the scope of that individual's or
41 business's training, experience, or competence;

42 (10) had disciplinary action taken against the practitioner or the
43 practitioner's license to practice in another state or jurisdiction on
44 grounds similar to those under this chapter;

45 (11) assisted another person in committing an act that would
46 constitute a ground for disciplinary sanction under this chapter;



1 or

2 (12) allowed a license issued by the department to be:

3 (A) used by another person; or

4 (B) displayed to the public when the license has expired, is
5 inactive, is invalid, or has been revoked or suspended.

6 For purposes of subdivision (10), a certified copy of a record of
7 disciplinary action constitutes prima facie evidence of a disciplinary
8 action in another jurisdiction.

9 (b) The department may impose one (1) or more of the following
10 sanctions if the department finds that a practitioner is subject to
11 disciplinary sanctions under subsection (a):

12 (1) Permanent revocation of a practitioner's license.

13 (2) Suspension of a practitioner's license.

14 (3) Censure of a practitioner.

15 (4) Issuance of a letter of reprimand.

16 (5) Assess a civil penalty against the practitioner in accordance
17 with the following:

18 (A) The civil penalty may not be more than one thousand
19 dollars (\$1,000) for each violation listed in subsection (a),
20 except for a finding of incompetency due to a physical or
21 mental disability.

22 (B) When imposing a civil penalty, the department shall
23 consider a practitioner's ability to pay the amount assessed. If
24 the practitioner fails to pay the civil penalty within the time
25 specified by the department, the department may suspend the
26 practitioner's license without additional proceedings. However,
27 a suspension may not be imposed if the sole basis for the
28 suspension is the practitioner's inability to pay a civil penalty.

29 (6) Place a practitioner on probation status and require the
30 practitioner to:

31 (A) report regularly to the department upon the matters that
32 are the basis of probation;

33 (B) limit practice to those areas prescribed by the department;

34 (C) continue or renew professional education approved by the
35 department until a satisfactory degree of skill has been attained
36 in those areas that are the basis of the probation; or

37 (D) perform or refrain from performing any acts, including
38 community restitution or service without compensation, that
39 the department considers appropriate to the public interest or
40 to the rehabilitation or treatment of the practitioner.

41 The department may withdraw or modify this probation if the
42 department finds after a hearing that the deficiency that required
43 disciplinary action has been remedied or that changed
44 circumstances warrant a modification of the order.

45 (c) If an applicant or a practitioner has engaged in or knowingly
46 cooperated in fraud or material deception to obtain a license to



1 practice, including cheating on the licensing examination, the
 2 department may rescind the license if it has been granted, void the
 3 examination or other fraudulent or deceptive material, and prohibit the
 4 applicant from reapplying for the license for a length of time
 5 established by the department.

6 (d) The department may deny licensure to an applicant who has had
 7 disciplinary action taken against the applicant or the applicant's license
 8 to practice in another state or jurisdiction or who has practiced without
 9 a license in violation of the law. A certified copy of the record of
 10 disciplinary action is conclusive evidence of the other jurisdiction's
 11 disciplinary action.

12 (e) The department may order a practitioner to submit to a
 13 reasonable physical or mental examination if the practitioner's physical
 14 or mental capacity to practice safely and competently is at issue in a
 15 disciplinary proceeding. Failure to comply with a department order to
 16 submit to a physical or mental examination makes a practitioner liable
 17 to temporary suspension under subsection (j).

18 (f) Except as provided under subsection (g) or (h), a license may not
 19 be denied, revoked, or suspended because the applicant or holder has
 20 been convicted of an offense. The acts from which the applicant's or
 21 holder's conviction resulted may, however, be considered as to whether
 22 the applicant or holder should be entrusted to serve the public in a
 23 specific capacity.

24 (g) The department may deny, suspend, or revoke a license issued
 25 under this chapter if the individual who holds the license is convicted
 26 of any of the following:

- 27 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 28 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 29 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 30 (4) Fraudulently obtaining a controlled substance under
 31 IC 35-48-4-7(b).
- 32 (5) Manufacture of paraphernalia as a Class D felony under
 33 IC 35-48-4-8.1(b).
- 34 (6) Dealing in paraphernalia as a Class D felony under
 35 IC 35-48-4-8.5(b).
- 36 (7) Possession of paraphernalia as a Class D felony under
 37 IC 35-48-4-8.3(b).
- 38 (8) Possession of marijuana, hash oil, or hashish as a Class D
 39 felony under IC 35-48-4-11.
- 40 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 41 (10) An offense relating to registration, labeling, and prescription
 42 forms under IC 35-48-4-14.
- 43 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
 44 in ~~clauses~~ **subdivisions** (1) through (10).
- 45 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
 46 ~~clauses~~ **subdivisions** (1) through (10).



(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described ~~under clauses in subdivisions~~ (1) through (12).

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~clauses subdivisions~~ (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in ~~clauses subdivisions~~ (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described ~~under clauses in subdivisions~~ (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general



1 alleging a violation of this licensing program shall be referred to the
2 department for summary review and for its general information and any
3 authorized action at the time of the filing.

4 (m) The department shall conduct a fact finding investigation as the
5 department considers proper in relation to the complaint.

6 (n) The department may reinstate a license that has been suspended
7 under this section if, after a hearing, the department is satisfied that the
8 applicant is able to practice with reasonable skill, safety, and
9 competency to the public. As a condition of reinstatement, the
10 department may impose disciplinary or corrective measures authorized
11 under this chapter.

12 (o) The department may not reinstate a license that has been
13 revoked under this chapter. An individual whose license has been
14 revoked under this chapter may not apply for a new license until seven
15 (7) years after the date of revocation.

16 (p) The department shall seek to achieve consistency in the
17 application of sanctions authorized in this chapter. Significant
18 departures from prior decisions involving similar conduct must be
19 explained in the department's findings or orders.

20 (q) A practitioner may petition the department to accept the
21 surrender of the practitioner's license instead of having a hearing before
22 the commission. The practitioner may not surrender the practitioner's
23 license without the written approval of the department, and the
24 department may impose any conditions appropriate to the surrender or
25 reinstatement of a surrendered license.

26 (r) A practitioner who has been subjected to disciplinary sanctions
27 may be required by the commission to pay the costs of the proceeding.
28 The practitioner's ability to pay shall be considered when costs are
29 assessed. If the practitioner fails to pay the costs, a suspension may not
30 be imposed solely upon the practitioner's inability to pay the amount
31 assessed. The costs are limited to costs for the following:

- 32 (1) Court reporters.
- 33 (2) Transcripts.
- 34 (3) Certification of documents.
- 35 (4) Photo duplication.
- 36 (5) Witness attendance and mileage fees.
- 37 (6) Postage.
- 38 (7) Expert witnesses.
- 39 (8) Depositions.
- 40 (9) Notarizations.

41 SECTION 129. IC 25-1-7-9 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. A board member
43 is disqualified from any consideration of the case if the board member
44 filed the complaint or participated in negotiations regarding the
45 complaint. The board member is not disqualified from the board's final
46 determination solely because the board member was the hearing officer



1 or determined the complaint and the information pertaining to the
 2 complaint was current significant investigative information (as defined
 3 by IC 25-23.2-1-5 **(repealed)**).

4 SECTION 130. IC 25-1-7-10 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) All
 6 complaints and information pertaining to the complaints shall be held
 7 in strict confidence until the attorney general files notice with the board
 8 of the attorney general's intent to prosecute the licensee.

9 (b) A person in the employ of the office of attorney general or any
 10 of the boards, or any person not a party to the complaint, may not
 11 disclose or further a disclosure of information concerning the
 12 complaint unless the disclosure is required:

13 (1) under law; or

14 (2) for the advancement of an investigation.

15 ~~(c) Notwithstanding subsections (a) and (b), under IC 25-23.2 the~~
 16 ~~state board of nursing may disclose to the coordinated licensure~~
 17 ~~information system (as defined by IC 25-23.2-1-4) complaints and~~
 18 ~~information concerning complaints that the board determines to be~~
 19 ~~current significant investigative information (as defined by~~
 20 ~~IC 25-23.2-1-5).~~

21 SECTION 131. IC 25-4-1-16, AS AMENDED BY P.L.177-2006,
 22 SECTION 1, AND AS AMENDED BY P.L.157-2006, SECTION 22,
 23 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The fee to be paid by an
 25 applicant for an examination to determine the applicant's fitness to
 26 receive a certificate of registration as a registered architect shall be
 27 established by the board under IC 25-1-8-2.

28 (b) The fee to be paid by an applicant for a certificate of registration
 29 as a registered architect shall be established by the board under
 30 IC 25-1-8-2.

31 (c) The fee to be paid for the restoration of an expired certificate of
 32 registration as a registered architect shall be established under
 33 ~~IC 25-1-8-7. IC 25-1-8-6.~~ The restoration fee shall be in addition to all
 34 unpaid renewal fees.

35 (d) The fee to be paid upon renewal of a certificate of registration
 36 shall be established by the board under IC 25-1-8-2.

37 (e) The fee to be paid by an applicant for a certificate of registration
 38 who is an architect registered or licensed under the laws of another
 39 state or territory of the United States, or of a foreign country or
 40 province, shall be established by the board under IC 25-1-8-2.

41 *(f) In addition to the registration fees established under this section,*
 42 *the board shall establish a fee of not more than twenty dollars (\$20)*
 43 *for registered architects and registered landscape architects to be paid*
 44 *at the time of:*

45 *(1) issuance of a certificate of registration; and*

46 *(2) renewal of a certificate of registration;*



under this article to provide funds for administering and enforcing this article, including investigating and taking action against persons violating this article. All funds collected under this subsection shall be deposited into the registered architects and registered landscape architects investigative fund established by section 32 of this chapter.

SECTION 132. IC 25-23-1-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) As used in this chapter, "registered nurse" means a person who holds a valid license issued

~~(1) under this chapter or~~

~~(2) by a party state (as defined in IC 25-23-2-1-11); and~~
who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill derived from the principles of biological, physical, and behavioral sciences.

(b) As used in this chapter, "registered nursing" means performance of services which include but are not limited to:

- (1) assessing health conditions;
- (2) deriving a nursing diagnosis;
- (3) executing a nursing regimen through the selection, performance, and management of nursing actions based on nursing diagnoses;
- (4) advocating the provision of health care services through collaboration with or referral to other health professionals;
- (5) executing regimens delegated by a physician with an unlimited license to practice medicine or osteopathic medicine, a licensed dentist, a licensed chiropractor, a licensed optometrist, or a licensed podiatrist;
- (6) teaching, administering, supervising, delegating, and evaluating nursing practice;
- (7) delegating tasks which assist in implementing the nursing, medical, or dental regimen; or
- (8) performing acts which are approved by the board or by the board in collaboration with the medical licensing board of Indiana.

(c) As used in this chapter, "assessing health conditions" means the collection of data through means such as interviews, observation, and inspection for the purpose of:

- (1) deriving a nursing diagnosis;
- (2) identifying the need for additional data collection by nursing personnel; and
- (3) identifying the need for additional data collection by other health professionals.

(d) As used in this chapter, "nursing regimen" means preventive, restorative, maintenance, and promotion activities which include meeting or assisting with self-care needs, counseling, and teaching.

(e) As used in this chapter, "nursing diagnosis" means the



1 identification of needs which are amenable to nursing regimen.

2 SECTION 133. IC 25-23-1-1.2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. As used in this
4 chapter, "licensed practical nurse" means a person who holds a valid
5 license issued under this chapter ~~or by a party state (as defined in~~
6 ~~IC 25-23-2-1-11)~~ and who functions at the direction of:

- 7 (1) a registered nurse;
- 8 (2) a physician with an unlimited license to practice medicine or
- 9 osteopathic medicine;
- 10 (3) a licensed dentist;
- 11 (4) a licensed chiropractor;
- 12 (5) a licensed optometrist; or
- 13 (6) a licensed podiatrist;

14 in the performance of activities commonly performed by practical
15 nurses and requiring special knowledge or skill.

16 SECTION 134. IC 25-23-1-7 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The board
18 shall do the following:

- 19 (1) Adopt under IC 4-22-2 rules necessary to enable it to carry
- 20 into effect this chapter.
- 21 (2) Prescribe standards and approve curricula for nursing
- 22 education programs preparing persons for licensure under this
- 23 chapter.
- 24 (3) Provide for surveys of such programs at such times as it
- 25 considers necessary.
- 26 (4) Accredite such programs as meet the requirements of this
- 27 chapter and of the board.
- 28 (5) Deny or withdraw accreditation from nursing education
- 29 programs for failure to meet prescribed curricula or other
- 30 standards.
- 31 (6) Examine, license, and renew the license of qualified
- 32 applicants.
- 33 (7) Issue subpoenas, compel the attendance of witnesses, and
- 34 administer oaths to persons giving testimony at hearings.
- 35 (8) Cause the prosecution of all persons violating this chapter and
- 36 have power to incur necessary expenses for these prosecutions.
- 37 (9) Adopt rules under IC 4-22-2 that do the following:
- 38 (A) Prescribe standards for the competent practice of
- 39 registered, practical, and advanced practice nursing.
- 40 (B) Establish with the approval of the medical licensing board
- 41 created by IC 25-22.5-2-1 requirements that advanced practice
- 42 nurses must meet to be granted authority to prescribe legend
- 43 drugs and to retain that authority.
- 44 (C) Establish, with the approval of the medical licensing board
- 45 created by IC 25-22.5-2-1, requirements for the renewal of a
- 46 practice agreement under section 19.4 of this chapter, which



- 1 shall expire on October 31 in each odd-numbered year.
- 2 (10) Keep a record of all its proceedings.
- 3 (11) Collect and distribute annually demographic information on
- 4 the number and type of registered nurses and licensed practical
- 5 nurses employed in Indiana.
- 6 ~~(12) Adopt rules and administer the interstate nurse licensure~~
- 7 ~~compact under IC 25-23.2.~~
- 8 (b) The board may do the following:
- 9 (1) Create ad hoc subcommittees representing the various nursing
- 10 specialties and interests of the profession of nursing. Persons
- 11 appointed to a subcommittee serve for terms as determined by the
- 12 board.
- 13 (2) Utilize the appropriate subcommittees so as to assist the board
- 14 with its responsibilities. The assistance provided by the
- 15 subcommittees may include the following:
- 16 (A) Recommendation of rules necessary to carry out the duties
- 17 of the board.
- 18 (B) Recommendations concerning educational programs and
- 19 requirements.
- 20 (C) Recommendations regarding examinations and licensure
- 21 of applicants.
- 22 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
- 23 ~~(4) Withdraw from the interstate compact under IC 25-23.2.~~
- 24 (c) Nurses appointed under subsection (b) must:
- 25 (1) be committed to advancing and safeguarding the nursing
- 26 profession as a whole; and
- 27 (2) represent nurses who practice in the field directly affected by
- 28 a subcommittee's actions.
- 29 SECTION 135. IC 25-23-1-11 IS AMENDED TO READ AS
- 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Any person
- 31 who applies to the board for a license to practice as a registered nurse
- 32 must:
- 33 (1) not have:
- 34 (A) been convicted of a crime that has a direct bearing on the
- 35 person's ability to practice competently; or
- 36 (B) committed an act that would constitute a ground for a
- 37 disciplinary sanction under IC 25-1-9;
- 38 (2) have completed:
- 39 (A) the prescribed curriculum and met the graduation
- 40 requirements of a state accredited program of registered
- 41 nursing that only accepts students who have a high school
- 42 diploma or its equivalent as determined by the board; or
- 43 (B) the prescribed curriculum and graduation requirements of
- 44 a nursing education program in a foreign country that is
- 45 substantially equivalent to a board approved program as
- 46 determined by the board. The board may by rule adopted under



IC 4-22-2 require an applicant under this subsection to successfully complete an examination approved by the board to measure the applicant's qualifications and background in the practice of nursing and proficiency in the English language; and

(3) be physically and mentally capable of and professionally competent to safely engage in the practice of nursing as determined by the board.

The board may not require a person to have a baccalaureate degree in nursing as a prerequisite for licensure.

(b) The applicant must pass an examination in such subjects as the board may determine.

(c) The board may issue by endorsement a license to practice as a registered nurse to an applicant who has been licensed as a registered nurse, by examination, under the laws of another state if the applicant presents proof satisfactory to the board that, at the time that the applicant applies for an Indiana license by endorsement, the applicant holds a current license in another state and possesses credentials and qualifications that are substantially equivalent to requirements in Indiana for licensure by examination. The board may specify by rule what constitutes substantial equivalence under this subsection.

(d) The board may issue by endorsement a license to practice as a registered nurse to an applicant who:

- (1) has completed the English version of the Canadian Nurse Association Testing Service Examination;
- (2) achieved the passing score required on the examination at the time the examination was taken;
- (3) is currently licensed in a Canadian province or in another state; and
- (4) meets the other requirements under this section.

(e) Each applicant for examination and registration to practice as a registered nurse shall pay a fee set by the board. The board may set a proctoring fee to be paid by applicants who are graduates of a state accredited school in another state. Payment of the fee or fees shall be made by the applicant prior to the date of examination.

(f) Any person who holds a license to practice as a registered nurse in

~~(1) Indiana or~~

~~(2) a party state (as defined in IC 25-23.2-1-11);~~

may use the title "Registered Nurse" and the abbreviation "R.N.". No other person shall practice or advertise as or assume the title of registered nurse or use the abbreviation of "R.N." or any other words, letters, signs, or figures to indicate that the person using same is a registered nurse.

SECTION 136. IC 25-23-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A person



1 who applies to the board for a license to practice as a licensed practical
2 nurse must:

3 (1) not have been convicted of:

4 (A) an act which would constitute a ground for disciplinary
5 sanction under IC 25-1-9; or

6 (B) a crime that has a direct bearing on the person's ability to
7 practice competently;

8 (2) have completed:

9 (A) the prescribed curriculum and met the graduation
10 requirements of a state accredited program of practical nursing
11 that only accepts students who have a high school diploma or
12 its equivalent, as determined by the board; or

13 (B) the prescribed curriculum and graduation requirements of
14 a nursing education program in a foreign country that is
15 substantially equivalent to a board approved program as
16 determined by the board. The board may by rule adopted under
17 IC 4-22-2 require an applicant under this subsection to
18 successfully complete an examination approved by the board
19 to measure the applicant's qualifications and background in the
20 practice of nursing and proficiency in the English language;
21 and

22 (3) be physically and mentally capable of, and professionally
23 competent to, safely engage in the practice of practical nursing as
24 determined by the board.

25 (b) The applicant must pass an examination in such subjects as the
26 board may determine.

27 (c) The board may issue by endorsement a license to practice as a
28 licensed practical nurse to an applicant who has been licensed as a
29 licensed practical nurse, by examination, under the laws of another
30 state if the applicant presents proof satisfactory to the board that, at the
31 time of application for an Indiana license by endorsement, the applicant
32 possesses credentials and qualifications that are substantially
33 equivalent to requirements in Indiana for licensure by examination. The
34 board may specify by rule what shall constitute substantial equivalence
35 under this subsection.

36 (d) Each applicant for examination and registration to practice as a
37 practical nurse shall pay a fee set by the board. The board may set a
38 proctoring fee to be paid by applicants who are graduates of a state
39 accredited school in another state. Payment of the fees shall be made
40 by the applicant before the date of examination.

41 (e) Any person who holds a license to practice as a licensed
42 practical nurse in

43 ~~(1) Indiana or~~

44 ~~(2) a party state (as defined in IC 25-23.2-1-11);~~

45 may use the title "Licensed Practical Nurse" and the abbreviation
46 "L.P.N.". No other person shall practice or advertise as or assume the



1 title of licensed practical nurse or use the abbreviation of "L.P.N." or
 2 any other words, letters, signs, or figures to indicate that the person
 3 using them is a licensed practical nurse.

4 SECTION 137. IC 25-23-1-27 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. A person who:

- 6 (1) sells or fraudulently obtains or furnishes any nursing diploma,
 7 license or record;
- 8 (2) practices nursing under cover of any diploma or license or
 9 record illegally or fraudulently obtained or assigned or issued
 10 unlawfully or under fraudulent representation;
- 11 (3) practices nursing as a registered nurse or licensed practical
 12 nurse unless licensed to do so under this chapter; ~~or under~~
 13 ~~IC 25-23.2;~~
- 14 (4) uses in connection with the person's name any designation
 15 tending to imply that the person is a registered nurse or a licensed
 16 practical nurse unless licensed to practice under this chapter; ~~or~~
 17 ~~under IC 25-23.2;~~
- 18 (5) practices nursing during the time the person's license issued
 19 under this chapter ~~or under IC 25-23.2~~ is suspended or revoked;
- 20 (6) conducts a school of nursing or a program for the training of
 21 practical nurses unless the school or program has been accredited
 22 by the board; or
- 23 (7) otherwise violates this chapter;

24 commits a Class B misdemeanor.

25 SECTION 138. IC 25-23-1-34, AS AMENDED BY P.L.1-2006,
 26 SECTION 454, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) The impaired nurses
 28 account is established within the state general fund for the purpose of
 29 providing money for providing rehabilitation of impaired registered
 30 nurses or licensed practical nurses under this article. The account shall
 31 be administered by the Indiana professional licensing agency.

32 (b) Expenses of administering the account shall be paid from money
 33 in the account. The account consists of the following:

- 34 (1) Funds collected for the rehabilitation of impaired registered
 35 nurses and impaired licensed practical nurses under section
 36 16.1(d) of this chapter.
- 37 (2) Funds collected under section 31(c)(2) of this chapter.
- 38 (3) Funds collected for the rehabilitation of impaired registered
 39 nurses and impaired licensed practical nurses under
 40 IC 25-23.2-3-5 **(repealed)**.
- 41 (4) Fines collected from registered nurses or licensed practical
 42 nurses under IC 25-1-9-9(a)(6).

43 (c) The treasurer of state shall invest the money in the account not
 44 currently needed to meet the obligations of the account in the same
 45 manner as other public money may be invested.

46 (d) Money in the account is appropriated to the board for the



purpose stated in subsection (a).

SECTION 139. IC 25-23.6-1-3.9, AS AMENDED BY P.L.141-2006, SECTION 108, AND AS AMENDED BY P.L.145-2006, SECTION 162, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.9. "Governmental employee" means an individual employed by the office of the secretary of family and social services, the division of family ~~and children~~, resources, the division of mental health and addiction, the division of disability ~~aging~~, and rehabilitative services, ~~the division of aging~~, the department of correction, or the state department of health in one (1) of the following classifications:

- (1) 2AA3 Behavioral clinician 3.
- (2) 2AA4 Behavioral clinician 4.
- (3) 2AA5 Clinical associate 5.
- (4) 2FL1 Mental health administrator 1.
- (5) 2FL2 Mental health administrator 2.
- (6) 2FL3 Mental health administrator 3.
- (7) 2AN3 Substance abuse counselor 3.
- (8) 2AN4 Substance abuse counselor 4.
- (9) 2AN5 Substance abuse counselor 5.
- (10) 2AH2 Social services specialist 2.
- (11) 2AH3 Social services specialist 3.
- (12) 2AH4 Social services specialist 4.
- (13) 2AI1 Psychiatric services director 1.
- (14) 2AE2 Psychiatric social services specialist 2.
- (15) 2AE3 Psychiatric social services specialist 3.

SECTION 140. IC 25-24-3-11, AS ADDED BY P.L.157-2006, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The formulary established under section 10 of this chapter shall include legend drugs that:

- (1) may be independently prescribed by an optometrist; or
- (2) must be dependently prescribed by an optometrist.

(b) If a legend drug is designated in the formulary as one (1) that must be dependently prescribed, the formulary must designate:

- (1) those legend drugs for which the optometrist must **only** notify ~~only~~ the patient's physician that the optometrist is prescribing the legend drug; and
- (2) those legend drugs for which the optometrist must consult with the patient's physician before prescribing the legend drug.

(c) If the patient has no physician, the optometrist must document such in the patient's file.

(d) If the legend drug is designated in the formulary as a legend drug that must be dependently prescribed, the optometrist shall indicate on the prescription that:

- (1) the patient's physician has been contacted; or
- (2) the patient has indicated to the optometrist that the patient has



no physician.

(e) If the legend drug is designated in the formulary as a legend drug that may be independently prescribed, the optometrist may prescribe the legend drug without notifying the patient's physician.

SECTION 141. IC 25-26-13-10, AS AMENDED BY P.L.98-2006, SECTION 4, AND AS AMENDED BY P.L.1-2006, SECTION 462, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) An applicant for registration as a pharmacist intern *or pharmacist extern* must furnish proof satisfactory to the board that the applicant: *is a high school graduate or its equivalent; has obtained a general educational development (GED) diploma; or is enrolled in a pre-pharmacy or pharmacy curriculum at an accredited school of pharmacy. The board may require the applicant to successfully complete an examination prior to registering the applicant as a pharmacist intern or pharmacist extern.*

(1) is actively enrolled in a school of pharmacy accredited by the American Council of Pharmaceutical Education;

(2) has obtained the Foreign Pharmacy Graduate Examination Committee Certificate; or

(3) is a qualified applicant awaiting the examination for licensure as a pharmacist.

(b) A registration issued under subsection (a) of this section is valid for one (1) year and may be renewed by the board for an additional year until the expiration date established by the Indiana professional licensing agency under IC 25-1-5-4.

(c) An application for registration or renewal must be accompanied by the appropriate fee and one (1) of the following:

(1) Proof of having obtained the Foreign Pharmacy Graduate Examination Committee Certificate.

(2) Proof of active enrollment in a school of pharmacy accredited by the American Council of Pharmaceutical Education.

SECTION 142. IC 25-35.6-1-7, AS AMENDED BY P.L.157-2006, SECTION 75, AND AS AMENDED BY P.L.1-2006, SECTION 480, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The **division of professional standards board established within the department of education by IC 20-28-2-1.5 (referred to as "the division of professional standards" in this section)** may issue the following:

(1) An initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article.

(2) A renewal license as a speech-language pathologist to an individual who was licensed by the professional standards board before July 1, 2005, and who is not licensed as a speech-language pathologist under this article.



(b) The **division of** professional standards ~~board~~ shall issue a license as a speech-language pathologist to an individual who:

(1) is licensed as a speech-language pathologist under this article;
and

(2) requests licensure.

(c) A speech-language pathologist licensed by the **division of** professional standards ~~board~~ shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.

(d) The **division of** professional standards ~~board~~ may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

(e) The **division of** professional standards ~~board~~ may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

(f) An individual: ~~who:~~

(1) ~~if:~~ **who:**

(A) **if** the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or

(B) **if** the individual is an audiologist, works in an educational setting;

(2) **who** has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and

(3) **who** has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 143. IC 27-1-39-9, AS ADDED BY P.L.38-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. A trust created under section 7 of this chapter is subject to regulation by the department as follows:

(1) The trust **must** be registered with the department.

(2) The trust shall:

(A) retain a total risk for the self-insurance fund of not more than one hundred twenty-five percent (125%) of the amount of



- 1 expected claims for the following year; and
- 2 (B) obtain stop-loss insurance issued by an insurer authorized
- 3 to do business in Indiana to cover losses in excess of the
- 4 amount retained under clause (A).
- 5 (3) Contributions by the members must be set to fund one
- 6 hundred percent (100%) of the total risk retained under
- 7 subdivision (2)(A) plus all other costs of the trust.
- 8 (4) The trust shall maintain a fidelity bond in an amount approved
- 9 by the department, covering each person responsible for the trust,
- 10 to protect against acts of fraud or dishonesty in servicing the trust.
- 11 (5) The trust is subject to IC 27-4-1-4.5 regarding claims
- 12 settlement practices.
- 13 (6) The trust shall, before March 1 of each year, file an annual
- 14 financial statement in the form required by IC 27-1-3-13.
- 15 (7) The trust is not a member of the Indiana insurance guaranty
- 16 association under IC 27-6-8. The liability of each member is joint
- 17 and several.
- 18 (8) The trust is subject to examination by the department. The
- 19 trust shall pay all costs associated with an examination.
- 20 (9) The department may deny, suspend, or revoke the registration
- 21 of the trust if the commissioner finds that the trust:
- 22 (A) is in a hazardous financial condition;
- 23 (B) refuses to be examined or produce records for
- 24 examination; or
- 25 (C) has failed to pay a final judgment rendered against the
- 26 trust by a court within thirty (30) days.
- 27 SECTION 144. IC 27-8-10-2.1 IS AMENDED TO READ AS
- 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) There is
- 29 established a nonprofit legal entity to be referred to as the Indiana
- 30 comprehensive health insurance association, which must assure that
- 31 health insurance is made available throughout the year to each eligible
- 32 Indiana resident applying to the association for coverage. All carriers,
- 33 health maintenance organizations, limited service health maintenance
- 34 organizations, and self-insurers providing health insurance or health
- 35 care services in Indiana must be members of the association. The
- 36 association shall operate under a plan of operation established and
- 37 approved under subsection (c) and shall exercise its powers through a
- 38 board of directors established under this section.
- 39 (b) The board of directors of the association consists of nine (9)
- 40 members whose principal residence is in Indiana selected as follows:
- 41 (1) Four (4) members to be appointed by the commissioner from
- 42 the members of the association, one (1) of which must be a
- 43 representative of a health maintenance organization.
- 44 (2) Two (2) members to be appointed by the commissioner shall
- 45 be consumers representing policyholders.
- 46 (3) Two (2) members shall be the state budget director or



1 designee and the commissioner of the department of insurance or
2 designee.

3 (4) One (1) member to be appointed by the commissioner must be
4 a representative of health care providers.

5 The commissioner shall appoint the chairman of the board, and the
6 board shall elect a secretary from its membership. The term of office
7 of each appointed member is three (3) years, subject to eligibility for
8 reappointment. Members of the board who are not state employees may
9 be reimbursed from the association's funds for expenses incurred in
10 attending meetings. The board shall meet at least semiannually, with
11 the first meeting to be held not later than May 15 of each year.

12 (c) The association shall submit to the commissioner a plan of
13 operation for the association and any amendments to the plan necessary
14 or suitable to assure the fair, reasonable, and equitable administration
15 of the association. The plan of operation becomes effective upon
16 approval in writing by the commissioner consistent with the date on
17 which the coverage under this chapter must be made available. The
18 commissioner shall, after notice and hearing, approve the plan of
19 operation if the plan is determined to be suitable to assure the fair,
20 reasonable, and equitable administration of the association and
21 provides for the sharing of association losses on an equitable,
22 proportionate basis among the member carriers, health maintenance
23 organizations, limited service health maintenance organizations, and
24 self-insurers. If the association fails to submit a suitable plan of
25 operation within one hundred eighty (180) days after the appointment
26 of the board of directors, or at any time thereafter the association fails
27 to submit suitable amendments to the plan, the commissioner shall
28 adopt rules under IC 4-22-2 necessary or advisable to implement this
29 section. These rules are effective until modified by the commissioner
30 or superseded by a plan submitted by the association and approved by
31 the commissioner. The plan of operation must:

32 (1) establish procedures for the handling and accounting of assets
33 and money of the association;

34 (2) establish the amount and method of reimbursing members of
35 the board;

36 (3) establish regular times and places for meetings of the board of
37 directors;

38 (4) establish procedures for records to be kept of all financial
39 transactions and for the annual fiscal reporting to the
40 commissioner;

41 (5) establish procedures whereby selections for the board of
42 directors will be made and submitted to the commissioner for
43 approval;

44 (6) contain additional provisions necessary or proper for the
45 execution of the powers and duties of the association; and

46 (7) establish procedures for the periodic advertising of the general



1 availability of the health insurance coverages from the
2 association.

3 (d) The plan of operation may provide that any of the powers and
4 duties of the association be delegated to a person who will perform
5 functions similar to those of this association. A delegation under this
6 section takes effect only with the approval of both the board of
7 directors and the commissioner. The commissioner may not approve a
8 delegation unless the protections afforded to the insured are
9 substantially equivalent to or greater than those provided under this
10 chapter.

11 (e) The association has the general powers and authority enumerated
12 by this subsection in accordance with the plan of operation approved
13 by the commissioner under subsection (c). The association has the
14 general powers and authority granted under the laws of Indiana to
15 carriers licensed to transact the kinds of health care services or health
16 insurance described in section 1 of this chapter and also has the
17 specific authority to do the following:

18 (1) Enter into contracts as are necessary or proper to carry out this
19 chapter, subject to the approval of the commissioner.

20 (2) Subject to section 2.6 of this chapter, sue or be sued, including
21 taking any legal actions necessary or proper for recovery of any
22 assessments for, on behalf of, or against participating carriers.

23 (3) Take legal action necessary to avoid the payment of improper
24 claims against the association or the coverage provided by or
25 through the association.

26 (4) Establish a medical review committee to determine the
27 reasonably appropriate level and extent of health care services in
28 each instance.

29 (5) Establish appropriate rates, scales of rates, rate classifications
30 and rating adjustments, such rates not to be unreasonable in
31 relation to the coverage provided and the reasonable operational
32 expenses of the association.

33 (6) Pool risks among members.

34 (7) Issue policies of insurance on an indemnity or provision of
35 service basis providing the coverage required by this chapter.

36 (8) Administer separate pools, separate accounts, or other plans
37 or arrangements considered appropriate for separate members or
38 groups of members.

39 (9) Operate and administer any combination of plans, pools, or
40 other mechanisms considered appropriate to best accomplish the
41 fair and equitable operation of the association.

42 (10) Appoint from among members appropriate legal, actuarial,
43 and other committees as necessary to provide technical assistance
44 in the operation of the association, policy and other contract
45 design, and any other function within the authority of the
46 association.



(11) Hire an independent consultant.

(12) Develop a method of advising applicants of the availability of other coverages outside the association.

(13) Provide for the use of managed care plans for insureds, including the use of:

(A) health maintenance organizations; and

(B) preferred provider plans.

(14) Solicit bids directly from providers for coverage under this chapter.

(15) Subject to section 3 of this chapter, negotiate reimbursement rates and enter into contracts with individual health care providers and health care provider groups.

(f) Rates for coverages issued by the association may not be unreasonable in relation to the benefits provided, the risk experience, and the reasonable expenses of providing the coverage. Separate scales of premium rates based on age apply for individual risks. Premium rates must take into consideration the extra morbidity and administration expenses, if any, for risks insured in the association. The rates for a given classification may be:

(1) not more than one hundred fifty percent (150%) of the average premium rate for that class charged by the five (5) carriers with the largest premium volume in the state during the preceding calendar year for an insured whose family income is less than three hundred fifty-one percent (351%) of the federal income poverty level for the same size family; and

(2) an amount equal to:

(A) not less than one hundred fifty-one percent (151%); and

(B) not more than two hundred percent (200%);

of the average premium rate for that class charged by the five (5) carriers with the largest premium volume in the state during the preceding calendar year, for an insured whose family income is more than three hundred fifty percent (350%) of the federal income poverty level for the same size family.

In determining the average rate of the five (5) largest carriers, the rates charged by the carriers shall be actuarially adjusted to determine the rate that would have been charged for benefits substantially identical to those issued by the association. ~~Additionally, subject to the limitations set forth in subdivisions (1) and (2), the association may, on October 1 of each year, adjust the rates as described in section 2.2 of this chapter.~~ All rates adopted by the association must be submitted to the commissioner for approval.

(g) Following the close of the association's fiscal year, the association shall determine the net premiums, the expenses of administration, and the incurred losses for the year. Twenty-five percent (25%) of any net loss shall be assessed by the association to all members in proportion to their respective shares of total health



insurance premiums as reported to the department of insurance, excluding premiums for Medicaid contracts with the state of Indiana, received in Indiana during the calendar year (or with paid losses in the year) coinciding with or ending during the fiscal year of the association. Seventy-five percent (75%) of any net loss shall be paid by the state. In sharing losses, the association may abate or defer in any part the assessment of a member, if, in the opinion of the board, payment of the assessment would endanger the ability of the member to fulfill its contractual obligations. The association may also provide for interim assessments against members of the association if necessary to assure the financial capability of the association to meet the incurred or estimated claims expenses or operating expenses of the association until the association's next fiscal year is completed. Net gains, if any, must be held at interest to offset future losses or allocated to reduce future premiums. Assessments must be determined by the board members specified in subsection (b)(1), subject to final approval by the commissioner.

(h) The association shall conduct periodic audits to assure the general accuracy of the financial data submitted to the association, and the association shall have an annual audit of its operations by an independent certified public accountant.

(i) The association is subject to examination by the department of insurance under IC 27-1-3.1. The board of directors shall submit, not later than March 30 of each year, a financial report for the preceding calendar year in a form approved by the commissioner.

(j) All policy forms issued by the association must conform in substance to prototype forms developed by the association, must in all other respects conform to the requirements of this chapter, and must be filed with and approved by the commissioner before their use.

(k) The association may not issue an association policy to any individual who, on the effective date of the coverage applied for, does not meet the eligibility requirements of section 5.1 of this chapter.

(l) The association and the premium collected by the association shall be exempt from the premium tax, the adjusted gross income tax, or any combination of these upon revenues or income that may be imposed by the state.

(m) Members who, during any calendar year, have paid one (1) or more assessments levied under this chapter may include in the rates for premiums charged for insurance policies to which this chapter applies amounts sufficient to recoup a sum equal to the amounts paid to the association by the member less any amounts returned to the member insurer by the association, and the rates shall not be deemed excessive by virtue of including an amount reasonably calculated to recoup assessments paid by the member.

(n) The association shall provide for the option of monthly collection of premiums.



(o) The association shall periodically certify to the budget agency the amount necessary to pay seventy-five percent (75%) of any net loss as specified in subsection (g).

SECTION 145. IC 27-17-2-2, AS ADDED BY P.L.73-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) An application for registration to operate as a discount medical card program organization must be filed with the department on a form prescribed by the department.

(b) An application filed under subsection (a) must be:

(1) sworn to by an officer or authorized representative of the applicant; and

(2) accompanied by the following:

(A) A copy of the applicant's organizational documents, such as articles of incorporation, including all amendments.

(B) A copy of the applicant's bylaws or other enabling documents that establish the organizational structure and governance of the applicant.

(C) A list of the names, addresses, official positions, and biographical information of each individual responsible for conducting the applicant's affairs, including each:

(i) member of the board of directors, board of trustees, executive committee, or other governing board or committee; and

(ii) officer.

(D) A statement generally describing the applicant, the applicant's facilities and personnel, and the medical services for which discounts will be available.

(E) A complete list of all program providers in Indiana available to Indiana cardholders.

(F) A copy of the form of any contract or arrangement between the applicant and a person listed in clause (C).

(G) A copy of the form of any contract between the applicant and a person for the performance on the applicant's behalf of any function, including marketing, administration, enrollment, investment management, and contracting for the provision of medical services to cardholders.

(H) A description of the proposed method of marketing.

(I) A toll free telephone number ~~for that~~ program providers and cardholders ~~to contact the applicant~~ **can use** at least forty (40) hours per week during normal business hours ~~to contact the applicant.~~

(J) A copy of the applicant's cancellation and refund policy.

(K) A description of program provider and cardholder complaint procedures.

(L) The name and address of the applicant's agent for service of process, notice or demand, or an executed power of attorney



1 appointing the commissioner as the attorney of the applicant
 2 in Indiana for service of process for a cause of action arising
 3 in Indiana.

4 (M) Other information the commissioner reasonably requires
 5 to make the determinations required under this chapter.

6 SECTION 146. IC 28-8-4-38, AS AMENDED BY P.L.10-2006,
 7 SECTION 58 AND P.L.57-2006, SECTION 58, IS AMENDED TO
 8 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 38. (a)
 9 A licensee may renew a license by complying with the following:

10 (1) Filing with the director the annual report in the form that is
 11 prescribed by the director and sent by the director to each licensee
 12 not less than three (3) months immediately preceding the date
 13 established by the director for license renewal. The report must
 14 **include:**

15 (A) ~~include:~~ **either:**

16 (i) a copy of the licensee's most recent audited consolidated
 17 annual financial statement, including a balance sheet, a
 18 statement of income or loss, a statement of changes in
 19 shareholder's equity, and a statement of changes in financial
 20 position; or

21 (ii) if the licensee is a wholly owned subsidiary, the
 22 consolidated audited annual financial statement of the parent
 23 corporation filed with the licensee's unaudited annual
 24 financial statement;

25 (B) the number of payment instruments sold by the licensee in
 26 Indiana, the dollar amount of those instruments, and the dollar
 27 amount of outstanding payment instruments sold by the
 28 licensee calculated from the most recent quarter for which data
 29 is available before the date of the filing of the renewal
 30 application, but in no event more than one hundred twenty
 31 (120) days before the renewal date;

32 (C) material changes to the information submitted by the
 33 licensee on its original application that have not been reported
 34 previously to the director on any other report required to be
 35 filed under this chapter;

36 (D) a list of the licensee's permissible investments; and

37 (E) a list of the locations within Indiana at which business
 38 regulated by this chapter will be conducted by either the
 39 licensee or its authorized delegate, including information
 40 concerning any business, other than the business of money
 41 transmission under this chapter, that will be conducted at each
 42 identified location, as required under section 24(10) of this
 43 chapter.

44 (2) Paying the annual renewal fee described under section 37 of
 45 this chapter.

46 (b) A licensee that:



- (1) does not file a renewal report or pay the renewal fee by the renewal filing deadline set by the director; and
- (2) has not been granted an extension of time to do so by the director;

shall be notified by the director, in writing, that a hearing will be scheduled at which the licensee will be required to show cause why its license should not be suspended pending compliance with these requirements. If after the hearing the license is not suspended, the director may require a daily late fee beginning with the date the renewal report or annual renewal fee is required by this chapter in an amount fixed by the department under IC 28-11-3-5.

SECTION 147. IC 31-14-11-15, AS AMENDED BY P.L.148-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A party affected by a support order shall inform the clerk and the state central collection unit established by IC 31-33-1.5-8 of any change of address not more than fifteen (15) days after the party's address is changed.

(b) At the time of the issuance or modification of a support order, the parties affected by the order shall inform the clerk and the state central collection unit established by IC 31-33-1.5-8 of:

- (1) whether any of the parties is receiving or has received assistance under the:

- (A) federal Aid to Families with Dependent Children program (42 U.S.C. 601 et seq.); or

- (B) federal Temporary Assistance to Needy Families (TANF) program (~~45 CFR 265~~); **(45 CFR 260 et seq.)**; and

(2) the Social Security number of any child affected by the order. The Social Security number required under subdivision (2) shall be kept confidential and used only to carry out the purposes of the Title IV-D program.

SECTION 148. IC 31-16-9-3, AS AMENDED BY P.L.148-2006, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A party affected by a support order shall inform the clerk and the state central collection unit established by IC 31-33-1.5-8 of any change of address not more than fifteen (15) days after the party's address is changed.

(b) At the time of the issuance or modification of a support order, the parties affected by the order shall inform the clerk of the court and the state central collection unit established by IC 31-33-1.5-8 of:

- (1) whether any of the parties is receiving or has received assistance under the:

- (A) federal Aid to Families with Dependent Children program (42 U.S.C. 601 et seq.); or

- (B) federal Temporary Assistance to Needy Families (TANF) program (~~45 CFR 265~~); **(45 CFR 260 et seq.)**; and

(2) the Social Security number of any child affected by the order.



1 The Social Security number required under subdivision (2) shall be
 2 kept confidential and used only to carry out the purposes of the Title
 3 IV-D program.

4 SECTION 149. IC 31-16-10-2, AS AMENDED BY P.L.148-2006,
 5 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 2. (a) If the clerk of the court or the state
 7 central collection unit is notified by the Title IV-D agency or the
 8 agency's designee that:

9 (1) the child who is the beneficiary of a support order is receiving
 10 assistance under the:

11 (A) federal Aid to Families with Dependent Children program
 12 (42 U.S.C. 601 et seq.); or

13 (B) federal Temporary Assistance to Needy Families (TANF)
 14 program ~~(45 CFR 265);~~ **(45 CFR 260 et seq.);** and

15 (2) an assignment of support rights in favor of the state is in effect
 16 against the person obligated to make child support payments;
 17 the clerk of the court or the state central collection unit shall forward
 18 the child support payments directly to the Title IV-D agency without
 19 further order of the court.

20 (b) The Title IV-D agency shall disburse the payments in
 21 accordance with federal regulations governing the Title IV-D program.

22 SECTION 150. IC 31-17-2.2-3, AS ADDED BY P.L.50-2006,
 23 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 3. (a) Except as provided in section 4 of this
 25 chapter, an individual required to file a notice under IC 31-14-13-10 or
 26 section 1 of this chapter must:

27 (1) send the notice to ~~the each~~ nonrelocating ~~individuals~~
 28 **individual:**

29 (A) by registered or certified mail; and

30 (B) not later than ninety (90) days before the date that the
 31 relocating individual intends to move; and

32 (2) provide the following information in the notice:

33 (A) The intended new residence, including the:

34 (i) address; and

35 (ii) mailing address of the relocating individual, if the
 36 mailing address is different than the address under item (i).

37 (B) The home telephone number of the new residence.

38 (C) Any other applicable telephone number for the relocating
 39 individual.

40 (D) The date that the relocating individual intends to move.

41 (E) A brief statement of the specific reasons for the proposed
 42 relocation of the child.

43 (F) A proposal for a revised schedule of parenting time or
 44 grandparent visitation with the child.

45 (G) A statement that a parent must file an objection to the
 46 relocation of the child with the court not later than sixty (60)



1 days after receipt of the notice.

2 (H) A statement that a nonrelocating individual may file a
3 petition to modify a custody order, parenting time order,
4 grandparent visitation order, or child support order.

5 (b) Except as provided in section 4 of this chapter, if the relocating
6 individual is unable to provide the information required under
7 subsection (a)(2) not later than ninety (90) days before the relocating
8 individual intends to move, the relocating individual shall provide the
9 information in the manner required under subsection (a) not later than
10 ten (10) days after the date that the relocating individual obtains the
11 information required to be provided under subsection (a)(2). However,
12 the relocating individual must provide all the information required
13 under subsection (a)(2) not later than thirty (30) days before the
14 relocating individual intends to move to the new residence.

15 SECTION 151. IC 31-19-11-1, AS AMENDED BY P.L.140-2006,
16 SECTION 17 AND P.L.173-2006, SECTION 17, AND AS
17 AMENDED BY P.L.145-2006, SECTION 253, IS CORRECTED AND
18 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
19 PASSAGE]: Sec. 1. (a) Whenever the court has heard the evidence and
20 finds that:

21 (1) the adoption requested is in the best interest of the child;

22 (2) the petitioner or petitioners for adoption are of sufficient
23 ability to rear the child and furnish suitable support and
24 education;

25 (3) the report of the investigation and recommendation under
26 IC 31-19-8-5 has been filed;

27 (4) the attorney or agency arranging an adoption has filed with the
28 court an affidavit prepared by the state department of health under
29 IC 31-19-5-16 indicating whether a man is entitled to notice of the
30 adoption because the man has registered with the putative father
31 registry in accordance with IC 31-19-5;

32 (5) proper notice arising under subdivision (4), if notice is
33 necessary, of the adoption has been given;

34 (6) the attorney or agency has filed with the court an affidavit
35 prepared by the state department of health under:

36 (A) IC 31-19-6 indicating whether a record of a paternity
37 determination; or

38 (B) IC 16-37-2-2(g) indicating whether a paternity affidavit
39 executed under IC 16-37-2-2.1;

40 has been filed in relation to the child;

41 (7) proper consent, if consent is necessary, to the adoption has
42 been given;

43 (8) the petitioner for adoption is not prohibited from adopting the
44 child as the result of an inappropriate criminal history described
45 in subsection (c) or (d); and

46 (9) the person, licensed child placing agency, or county office of



1 family and children that has placed the child for adoption has
 2 provided the documents and other information required under
 3 IC 31-19-17 to the prospective adoptive parents;
 4 the court shall grant the petition for adoption and enter an adoption
 5 decree.

6 (b) A court may not grant an adoption unless the ~~department's state~~
 7 *department of health's* affidavit under IC 31-19-5-16 is filed with the
 8 court as provided under subsection (a)(4).

9 (c) A conviction of a felony or a misdemeanor related to the health
 10 and safety of a child by a petitioner for adoption is a permissible basis
 11 for the court to deny the petition for adoption. In addition, the court
 12 may not grant an adoption if a petitioner for adoption has been
 13 convicted of any of the felonies described as follows:

- 14 (1) Murder (IC 35-42-1-1).
- 15 (2) Causing suicide (IC 35-42-1-2).
- 16 (3) Assisting suicide (IC 35-42-1-2.5).
- 17 (4) Voluntary manslaughter (IC 35-42-1-3).
- 18 (5) Reckless homicide (IC 35-42-1-5).
- 19 (6) Battery as a felony (IC 35-42-2-1).
- 20 (7) Aggravated battery (IC 35-42-2-1.5).
- 21 (8) Kidnapping (IC 35-42-3-2).
- 22 (9) Criminal confinement (IC 35-42-3-3).
- 23 (10) A felony sex offense under IC 35-42-4.
- 24 (11) Carjacking (IC 35-42-5-2).
- 25 (12) Arson (IC 35-43-1-1).
- 26 (13) Incest (IC 35-46-1-3).
- 27 (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and
- 28 IC 35-46-1-4(a)(2)).
- 29 (15) Child selling (IC 35-46-1-4(d)).
- 30 (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- 31 (17) A felony relating to controlled substances under IC 35-48-4.
- 32 (18) An offense relating to material or a performance that is
- 33 harmful to minors or obscene under IC 35-49-3.
- 34 (19) A felony that is substantially equivalent to a felony listed in
- 35 subdivisions (1) through (18) for which the conviction was
- 36 entered in another state.

37 However, the court is not prohibited from granting an adoption based
 38 upon a felony conviction under subdivision (6), (11), (12), (16), or
 39 (17), or its equivalent under subdivision (19), if the offense was not
 40 committed within the immediately preceding five (5) year period.

41 (d) A court may not grant an adoption if the petitioner is ~~an~~ a sex
 42 offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5).

43 SECTION 152. IC 31-25-3-1, AS AMENDED BY P.L.146-2006,
 44 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 45 UPON PASSAGE]: **Sec. 1.** (a) The child support bureau is established
 46 within the department. The bureau is charged with the administration



1 of Title IV-D of the federal Social Security Act.

2 (b) The state's plan for the administration of Title IV-D must comply
3 with all provisions of state law and with the federal statutes and
4 regulations governing the program.

5 (c) The state central collection unit is established within the child
6 support bureau. The unit shall collect all noncash child support
7 payments and process child support paid through income withholding.

8 SECTION 153. IC 31-25-4-23, AS AMENDED BY P.L.146-2006,
9 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: **Sec. 23.** (a) Subject to subsection (d), the Title
11 IV-D agency shall provide incentive payments to counties for enforcing
12 and collecting the support rights that have been assigned to the state.
13 The incentive payments shall be made by the Title IV-D agency
14 directly to the county and deposited in the county treasury for
15 distribution on a quarterly basis and in the following manner:

16 (1) Twenty-two and two-tenths percent (22.2%) of the incentive
17 payments shall be distributed to the county general fund.

18 (2) Thirty-three and four-tenths percent (33.4%) of the incentive
19 payments shall be distributed to the operating budget of the
20 prosecuting attorney.

21 (3) Twenty-two and two-tenths percent (22.2%) of the incentive
22 payments shall be distributed to the operating budget of the circuit
23 court clerk.

24 (b) Notwithstanding IC 36-2-5-2(b), distribution from the county
25 treasury under subsection (a) shall be made without the necessity of
26 first obtaining an appropriation from the county fiscal body.

27 (c) The amount that a county receives and the terms under which the
28 incentive payment is paid must be in accordance with relevant federal
29 statutes and the federal regulations promulgated under the statutes.
30 However, amounts received as incentive payments may not, without the
31 approval of the county fiscal body, be used to increase or supplement
32 the salary of an elected official. The amounts received as incentive
33 payments must be used to supplement, rather than take the place of,
34 other funds used for Title IV-D program activities.

35 (d) The Title IV-D agency shall retain twenty-two and two-tenths
36 percent (22.2%) of the incentive payments described in subsection (a).

37 SECTION 154. IC 31-25-4-24, AS AMENDED BY P.L.146-2006,
38 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: **Sec. 24.** (a) Each circuit court clerk shall do the
40 following:

41 (1) Before January 1, 2007, receive support money assigned to the
42 state and paid under the terms of a court order in the clerk's
43 jurisdiction and pay the money to the Title IV-D agency within
44 the time limits established by P.L.93-647, as amended, and any
45 related regulations that are promulgated.

46 (2) Maintain all records concerning the payment or nonpayment



of support money that have been assigned to the state and transmit the records to the Title IV-D agency upon request.

(3) Contract with the Title IV-D agency for the performance and the remuneration for the performance of duties prescribed in this section.

(b) Beginning January 1, 2007, for purposes of subsection (a)(1), each circuit court clerk may accept only support money that is paid in cash.

SECTION 155. IC 31-25-4-25, AS AMENDED BY P.L.146-2006, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 25.** The amounts appropriated for duties performed by prosecuting attorneys, circuit court clerks, or other agents under this chapter shall be distributed directly from the department of child services.

SECTION 156. IC 31-27-2-1, AS AMENDED BY P.L.146-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.** The department shall perform the following duties:

(1) Administer the licensing and monitoring of child caring institutions, foster family homes, group homes, and child placing agencies in accordance with this article.

(2) Ensure that a criminal history background check of an applicant is completed before issuing a license.

(3) Provide for the issuance, denial, and revocation of licenses.

(4) Cooperate with governing bodies of child caring institutions, foster family homes, group homes, and child placing agencies and their staffs to improve standards of child care.

(5) Prepare at least biannually a directory of licensees, except for foster family homes, with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(6) Deposit all license application fees collected under section 2 of this chapter in the department of child services child care fund established by ~~IC 31-25-1-16~~. **IC 31-25-2-16.**

SECTION 157. IC 31-27-3-33, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 33.** (a) The department shall investigate a report of an unlicensed child caring institution and report the department's findings to the attorney general and to the county office and the prosecuting attorney in the county where the institution is located.

(b) The attorney general or the department may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a



child caring institution if there is reasonable cause to believe that the child caring institution is operating without a license required under this article.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child caring institution is operating without a license required under this article.

(c) An opportunity for an informal meeting with the department shall be available after the injunctive relief is ordered.

(d) The civil penalties collected under this section shall be deposited in the department of child services child care fund established by ~~IC 31-25-1-16~~ **IC 31-25-2-16**.

SECTION 158. IC 31-27-4-34, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) The department shall investigate a report of an unlicensed foster family home and report the department's findings to the attorney general and to the county office and the prosecuting attorney in the county where the foster family home is located.

(b) The attorney general or the department may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a foster family home is operating without a license required under this article.

(c) The civil penalties collected under this section shall be deposited in the department of child services child care fund established by ~~IC 31-25-1-16~~ **IC 31-25-2-16**.

SECTION 159. IC 31-27-5-33, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) The department shall investigate a report of an unlicensed group home and report the department's findings to the attorney general and to the county office and the prosecuting attorney in the county where the group home is located.

(b) The attorney general or the department may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a group home if there is reasonable cause to believe that the group home is operating without a license required under this article.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a group home is operating without a license required under this article.

(c) An opportunity for an informal meeting with the department shall be available after injunctive relief is ordered under subsection



1 (b)(2).

2 (d) The civil penalties collected under this section shall be deposited
3 in the department of child services child care fund established by
4 ~~IC 31-25-1-16~~ **IC 31-25-2-16**.

5 SECTION 160. IC 31-27-6-30, AS ADDED BY P.L.145-2006,
6 SECTION 273, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) The department shall
8 investigate a report of an unlicensed child placing agency and report
9 the department's findings to the attorney general and to the county
10 office and the prosecuting attorney in the county where the child
11 placing agency is located.

12 (b) The attorney general or the department may do the following:

13 (1) Seek the issuance of a search warrant to assist in the
14 investigation.

15 (2) File an action for injunctive relief to stop the operation of a
16 child placing agency if there is reasonable cause to believe that
17 the child placing agency is operating without a license required
18 under this article.

19 (3) Seek in a civil action a civil penalty not to exceed one hundred
20 dollars (\$100) a day for each day a child placing agency is
21 operating without a license required under this article.

22 (c) An opportunity for an informal meeting with the department
23 shall be available after injunctive relief is ordered under subsection
24 (b)(2).

25 (d) The civil penalties collected under this section shall be deposited
26 in the department of child services child care fund, established by
27 ~~IC 31-25-1-16~~ **IC 31-25-2-16**.

28 SECTION 161. IC 31-34-4-2, AS AMENDED BY P.L.145-2006,
29 SECTION 290, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) If a child alleged to be a
31 child in need of services is taken into custody under an order of the
32 court under this chapter, the court shall consider placing the child with
33 a suitable and willing blood or adoptive relative caretaker, including a
34 grandparent, an aunt, an uncle, or an adult sibling, before considering
35 any other out-of-home placement.

36 (b) Before placing a child in need of services with a blood relative
37 or an adoptive relative caretaker, the court may order the department
38 to:

39 (1) complete a home study of the relative's home; and

40 (2) provide the court with a placement recommendation.

41 (c) Except as provided in subsection (e), before placing a child in
42 need of services in an out-of-home placement, including placement
43 with a blood or an adoptive relative caretaker, the court shall order the
44 department to conduct a criminal history check of each person who is
45 currently residing in the location designated as the out-of-home
46 placement.



(d) Except as provided in subsection (f), a court may not order an out-of-home placement if a person described in ~~subsection (c)(1) or (c)(2)~~ **subsection (c)** has:

- (1) committed an act resulting in a substantiated report of child abuse or neglect; or
- (2) been convicted of a felony listed in IC 31-27-4-13 or had a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult.

(e) The court is not required to order the department to conduct a criminal history check under subsection (c) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(f) A court may order an out-of-home placement if:

(1) a person described in ~~subsection (c)(1) or (c)(2)~~ **subsection (c)** has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

- (i) reckless homicide (IC 35-42-1-5);
- (ii) battery (IC 35-42-2-1) as a Class C or D felony;
- (iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;
- (iv) arson (IC 35-43-1-1) as a Class C or D felony;
- (v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;
- (vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or
- (vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that the placement is in the best interest of the child.

However, a court may not order an out-of-home placement if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(g) In making its written finding under subsection (f), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.



(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 162. IC 31-34-20-1.5, AS AMENDED BY P.L.145-2006, SECTION 312, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) Except as provided in subsection (d), the juvenile court may not enter a dispositional decree placing a child in another home under section 1(3) of this chapter or awarding wardship to a county office or the department that will place the child with a person under section 1(4) of this chapter if a person who is currently residing in the home in which the child would be placed under section 1(3) or 1(4) of this chapter has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in ~~subsection (a)(1) or (a)(2)~~ **subsection (a)** has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13. However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in ~~subsection (a)(1) or (a)(2)~~ **subsection (a)** has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A court may enter a dispositional decree placing a child in another home or award wardship to a county office if:

(1) a person described in ~~subsection (a)(1) or (a)(2)~~ **subsection (a)** has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);



- 1 (ii) battery (IC 35-42-2-1) as a Class C or D felony;
- 2 (iii) criminal confinement (IC 35-42-3-3) as a Class C or D
- 3 felony;
- 4 (iv) arson (IC 35-43-1-1) as a Class C or D felony;
- 5 (v) a felony involving a weapon under IC 35-47 or
- 6 IC 35-47.5 as a Class C or D felony;
- 7 (vi) a felony relating to controlled substances under
- 8 IC 35-48-4 as a Class C or D felony; or
- 9 (vii) a felony that is substantially equivalent to a felony
- 10 listed in items (i) through (vi) for which the conviction was
- 11 entered in another state; and

12 (2) the court makes a written finding that the person's commission
 13 of the offense, delinquent act, or act of abuse or neglect described
 14 in subdivision (1) is not relevant to the person's present ability to
 15 care for a child, and that the dispositional decree placing a child
 16 in another home or awarding wardship to a county office is in the
 17 best interest of the child.

18 However, a court may not enter a dispositional decree placing a child
 19 in another home or award wardship to a county office or the department
 20 if the person has been convicted of a felony listed in IC 31-27-4-13 that
 21 is not specifically excluded under subdivision (1)(B), or has a juvenile
 22 adjudication for an act that would be a felony listed in IC 31-27-4-13
 23 if committed by an adult that is not specifically excluded under
 24 subdivision (1)(B).

25 (e) In making its written finding under subsection (d), the court shall
 26 consider the following:

- 27 (1) The length of time since the person committed the offense,
- 28 delinquent act, or act that resulted in the substantiated report of
- 29 abuse or neglect.
- 30 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 31 (3) Evidence of the person's rehabilitation, including the person's
- 32 cooperation with a treatment plan, if applicable.

33 SECTION 163. IC 31-37-19-5, AS AMENDED BY P.L.140-2006,
 34 SECTION 19 AND P.L.173-2006, SECTION 19, AND AS
 35 AMENDED BY P.L.145-2006, SECTION 346, IS CORRECTED AND
 36 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 37 PASSAGE]: Sec. 5. (a) This section applies if a child is a delinquent
 38 child under IC 31-37-1.

39 (b) The juvenile court may, in addition to an order under section 6
 40 of this chapter, enter at least one (1) of the following dispositional
 41 decrees:

- 42 (1) Order supervision of the child by:
- 43 (A) the probation department; ~~or~~
- 44 (B) the county office; ~~of family and children; or~~
- 45 (C) the department.

46 As a condition of probation under this subdivision, the juvenile



1 court shall after a determination under ~~IC 5-2-12-4~~ IC 11-8-8-5
 2 require a child who is adjudicated a delinquent child for an act
 3 that would be an offense described in ~~IC 5-2-12-4~~ IC 11-8-8-5 if
 4 committed by an adult to register with the *local law enforcement*
 5 *authority sheriff (or the police chief of a consolidated city)* under
 6 ~~IC 5-2-12~~ IC 11-8-8.

7 (2) Order the child to receive outpatient treatment:

8 (A) at a social service agency or a psychological, a psychiatric,
 9 a medical, or an educational facility; or

10 (B) from an individual practitioner.

11 (3) Order the child to surrender the child's driver's license to the
 12 court for a specified period of time.

13 (4) Order the child to pay restitution if the victim provides
 14 reasonable evidence of the victim's loss, which the child may
 15 challenge at the dispositional hearing.

16 (5) Partially or completely emancipate the child under section 27
 17 of this chapter.

18 (6) Order the child to attend an alcohol and drug services program
 19 established under IC 12-23-14.

20 (7) Order the child to perform community restitution or service
 21 for a specified period of time.

22 (8) Order wardship of the child as provided in section 9 of this
 23 chapter.

24 SECTION 164. IC 31-37-19-6.5, AS AMENDED BY P.L.145-2006,
 25 SECTION 347, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) Except as provided in
 27 subsection (c), the juvenile court may not enter a dispositional decree
 28 placing a child in another home under section 1(3) or 6(b)(2)(D) of this
 29 chapter or awarding wardship to the county office or the department
 30 that results in a placement with a person under section 1(4) or
 31 6(b)(2)(E) of this chapter if a person who is currently residing in the
 32 home in which the child would be placed under section 1(3), 1(4),
 33 6(b)(2)(D), or 6(b)(2)(E) of this chapter has committed an act resulting
 34 in a substantiated report of child abuse or neglect, has a juvenile
 35 adjudication for an act that would be a felony listed in IC 31-27-4-13
 36 if committed by an adult, or has a conviction for a felony listed in
 37 IC 31-27-4-13.

38 (b) The juvenile court shall order the probation officer or
 39 caseworker who prepared the predispositional report to conduct a
 40 criminal history check (as defined in IC 31-9-2-22.5) to determine if a
 41 person described in ~~subsection (a)(1) or (a)(2)~~ **subsection (a)** has
 42 committed an act resulting in a substantiated report of child abuse or
 43 neglect, has a juvenile adjudication for an act that would be a felony
 44 listed in IC 31-27-4-13 if committed by an adult, or has a conviction for
 45 a felony listed in IC 31-27-4-13. However, the juvenile court is not
 46 required to order a criminal history check under this section if criminal



history information under IC 31-37-17-6.1 establishes whether a person described in ~~subsection (a)(1) or (a)(2)~~ **subsection (a)** has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult, or has a conviction for a felony listed in IC 31-27-4-13.

(c) The juvenile court may enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office or the department that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if:

(1) a person described in ~~subsection (a)(1) or (a)(2)~~ **subsection (a)** has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that entry of a dispositional decree placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office or the department if the person has been convicted of a felony listed in IC 31-27-4-13 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 31-27-4-13 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(d) In making its written finding under subsection (c), the court shall consider the following:

(1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.



(2) The severity of the offense, delinquent act, or abuse or neglect.

(3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 165. IC 33-26-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "contractor" means a general reassessment, general reassessment review, or special reassessment contractor of the department of local government finance under IC 6-1.1-4-32 **(repealed)**.

SECTION 166. IC 33-26-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "qualifying official" refers to any of the following:

(1) A county assessor of a qualifying county.

(2) A township assessor of a qualifying county.

(3) The county auditor of a qualifying county.

(4) The treasurer of a qualifying county.

(5) The county surveyor of a qualifying county.

(6) A member of the land valuation committee in a qualifying county.

(7) Any other township or county official in a qualifying county who has possession or control of information necessary or useful for a general reassessment, general reassessment review, or special reassessment of property to which IC 6-1.1-4-32 **(repealed)** applies, including information in the possession or control of an employee or a contractor of the official.

(8) Any county official in a qualifying county who has control, review, or other responsibilities related to paying claims of a contractor submitted for payment under IC 6-1.1-4-32 **(repealed)**.

SECTION 167. IC 33-30-2-2, AS AMENDED BY P.L.2-2005, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. Lake County does not have a county court. However, the county division of the superior court of Lake County shall maintain the dockets described in ~~IC 33-30-5-1~~ **IC 33-30-5-2**.

SECTION 168. IC 33-33-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The Allen superior court may appoint probate commissioners, juvenile referees, bailiffs, court reporters, probation officers, and other personnel, including an administrative officer, the court believes are necessary to facilitate and transact the business of the court.

(b) In addition to the personnel authorized under subsection (a) and IC 31-31-3, the following magistrates may be appointed:

(1) The judges of the Allen superior court-civil division may jointly appoint not more than four (4) full-time magistrates under IC 33-23-5 to serve the Allen superior court-civil division. The judges of the Allen superior court-civil division may jointly assign any magistrates the duties and powers of a probate commissioner.



1 (2) The judge of the Allen superior court-criminal division may
2 jointly appoint not more than three (3) full-time magistrates under
3 IC 33-23-5 to serve the Allen superior court-criminal division.
4 Any magistrate serves at the pleasure of, and continues in office
5 until jointly removed by, the judges of the division that appointed
6 the magistrate.

7 (c) All appointments made under this section must be made without
8 regard to the political affiliation of the appointees. The salaries of the
9 personnel shall be fixed and paid as provided by law. If the salaries of
10 any of the personnel are not provided by law, the amount and time of
11 payment of the salaries shall be fixed by the court, to be paid out of the
12 county treasury by the county auditor, upon the order of the court, and
13 be entered of record. The officers and persons appointed shall perform
14 duties as are prescribed by the court. Any administrative officer
15 appointed by the court shall operate under the jurisdiction of the chief
16 judge and serve at the pleasure of the chief judge. Any probate
17 commissioners, magistrates, juvenile referees, bailiffs, court reporters,
18 probation officers, and other personnel appointed by the court serve at
19 the pleasure of the court.

20 (d) Any probate commissioner appointed by the court may be vested
21 by the court with all suitable powers for the handling and management
22 of the probate and guardianship matters of the court, including the
23 fixing of all bonds, the auditing of accounts of estates and
24 guardianships and trusts, acceptance of reports, accounts, and
25 settlements filed in the court, the appointment of personal
26 representatives, guardians, and trustees, the probating of wills, the
27 taking and hearing of evidence on or concerning such matters, or any
28 other probate, guardianship, or trust matters in litigation before the
29 court, the enforcement of court rules and regulations, the making of
30 reports to the court concerning the probate commissioner's actions
31 under this subsection, including the taking and hearing of evidence
32 together with the commissioner's findings and conclusions regarding
33 the evidence. However, all matters under this subsection are under the
34 final jurisdiction and decision of the judges of the court.

35 (e) A juvenile referee appointed by the court may be vested by the
36 court with all suitable powers for the handling and management of the
37 juvenile matters of the court, including the fixing of bonds, the taking
38 and hearing of evidence on or concerning any juvenile matters in
39 litigation before the court, the enforcement of court rules and
40 regulations, and the making of reports to the court concerning the
41 referee's actions under this subsection. The actions of a juvenile referee
42 under this subsection are under final jurisdiction and decision of the
43 judges of the court.

44 (f) A probate commissioner or juvenile referee may:

45 (1) summon witnesses to testify before the commissioner or
46 juvenile referee; and



(2) administer oaths and take acknowledgments;
to carry out the commissioner's or juvenile referee's duties and powers.

(g) The powers of a magistrate appointed under this section include the powers provided in IC 33-23-5 and the power to enter a final order or judgment in any proceeding involving matters specified in ~~IC 33-29-2-3~~ **IC 33-29-2-4** (jurisdiction of small claims docket) or IC 34-26-5 (protective orders to prevent domestic or family violence).

SECTION 169. IC 33-33-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) The court, by rules adopted by the Allen superior court, shall divide the work of the court into the following divisions:

(1) A family relations division.

(2) A criminal division (including a standard minor offenses and violations docket under IC 33-29-2-8).

(3) A civil division (including a standard small claims docket under ~~IC 33-29-2-3~~ **IC 33-29-2-4**).

(b) Cases involving juvenile matters shall be assigned to the family relations division.

(c) Cases involving matters specified in IC 33-29-2-8 shall be assigned to the criminal division.

(d) Cases involving matters specified in ~~IC 33-29-2-3~~ **IC 33-29-2-4** shall be assigned to the small claims docket in the civil division.

(e) The work of each division may be divided further by rules adopted by the court.

(f) Every two (2) years each division of the court shall elect an administrative judge for that division. The administrative judge shall carry out ministerial, administrative, and assignment functions as are periodically determined by a majority of the judges of that division.

(g) Matters of administration, budget, expenditures, policy, and procedure in each division shall be determined by a majority of the judges of that division.

(h) Disputes within any division concerning administration, budget, expenditures, policy, procedure, and assignments that pertain to the division as a whole or to any individual judge of the division, that for any reason cannot be resolved by a majority of the judges in the division, shall be submitted to the board of judges and determined by a majority of the board of judges.

(i) A resolution approved by a majority of the board of judges that resolves disputes within a division must include at least one (1) of the judges of that division and binds all of the judges of that division.

SECTION 170. IC 33-33-27.3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The court has a standard small claims and misdemeanor division.

(b) Notwithstanding ~~IC 33-29-2-3~~ **IC 33-29-2-4**, the small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the



property sought to be recovered is not more than six thousand dollars (\$6,000). The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds six thousand dollars (\$6,000) in order to bring the claim within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed six thousand dollars (\$6,000).

(3) Emergency possessory actions between a landlord and tenant under IC 32-31-6.

SECTION 171. IC 33-33-71-69 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 69. (a) The court may appoint two (2) full-time magistrates under IC 33-23-5 to serve the court using the selection method provided by IC 36-1-8-10(b)(1) or IC 36-1-8-10(b)(2). Not more than one (1) of the magistrates appointed under this section may be a member of the same political party.

(b) A magistrate continues in office until removed by the judges of the court.

(c) The powers of a magistrate appointed under this section include the powers provided in IC 33-23-5 and the power to enter a final order or judgment in any proceeding involving matters specified in ~~IC 33-29-2-3~~ IC 33-29-2-4 (jurisdiction of small claims docket) or IC 34-26-5 (protective orders to prevent domestic or family violence).

SECTION 172. IC 33-35-3-9, AS AMENDED BY P.L.174-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies after June 30, 2005.

(b) A clerk of a city court in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall deposit all court costs collected by the clerk in accordance with IC 33-37-7-12. The fees received by the controller from the clerk shall be paid into the city treasury at the time of the semiannual settlement for city revenue.

(c) If the party instituting an action or a proceeding recovers judgment, the judgment must also include as costs an amount equal to the small claims costs fee, the small claims garnishee service fee, and the small claims service fee prescribed under IC 33-37-4-5 (**before its repeal**) or IC 33-37-4-6.

(d) Money paid in advance for costs remaining unexpended at the time a civil action or proceeding is terminated, whether by reason of Small claims costs fee, small claims service fee, and additional fees dismissal or otherwise, must be returned to the party or parties making payment. However, this section does not apply to civil actions or proceedings instituted by or on behalf of the state or any of the state's political subdivisions.

SECTION 173. IC 33-37-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section



1 applies in all actions listed in sections 4, ~~5~~, 6, and 7 of this chapter.

2 (b) In an action in which there has been or will be a change of venue
3 or transfer from one (1) county to another, the clerk of the court from
4 which the action is transferred shall collect from the party seeking
5 change of venue a fee equal to that required by sections 4, ~~5~~, 6, and 7
6 of this chapter. The clerk of the transferring court shall forward the fee
7 collected under this section to the clerk of the court to which the action
8 is transferred.

9 SECTION 174. IC 33-37-10-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A witness in an
11 action listed in IC 33-37-4-2, IC 33-37-4-3, IC 33-37-4-4, ~~IC 33-37-4-5~~,
12 IC 33-37-4-6, and IC 33-37-4-7 is entitled to the sum of the following:

13 (1) An amount for mileage at the mileage rate paid to state
14 officers for each mile necessarily traveled to and from the court.

15 (2) Five dollars (\$5) for each day of attendance in court.

16 SECTION 175. IC 34-6-2-38 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 38. (a) "Employee"
18 and "public employee", for purposes of section 91 of this chapter,
19 IC 34-13-2, IC 34-13-3, IC 34-13-4, and IC 34-30-14, mean a person
20 presently or formerly acting on behalf of a governmental entity,
21 whether temporarily or permanently or with or without compensation,
22 including members of boards, committees, commissions, authorities,
23 and other instrumentalities of governmental entities, volunteer
24 firefighters (as defined in IC 36-8-12-2), and elected public officials.

25 (b) The term also includes attorneys at law whether employed by the
26 governmental entity as employees or independent contractors and
27 physicians licensed under IC 25-22.5 and optometrists who provide
28 medical or optical care to confined offenders (as defined in IC 11-8-1)
29 within the course of their employment by or contractual relationship
30 with the department of correction. However, the term does not include:

31 (1) an independent contractor (other than an attorney at law, a
32 physician, or an optometrist described in this section);

33 (2) an agent or employee of an independent contractor;

34 (3) a person appointed by the governor to an honorary advisory or
35 honorary military position; or

36 (4) a physician licensed under IC 25-22.5 with regard to a claim
37 against the physician for an act or omission occurring or allegedly
38 occurring in the physician's capacity as an employee of a hospital.

39 (c) A physician licensed under IC 25-22.5 who is an employee of a
40 governmental entity (as defined in section 49 of this chapter) shall be
41 considered a public employee for purposes of IC 34-13-3-3(21).

42 (d) For purposes of IC 34-13-3 and IC 34-13-4, the term includes a
43 person that engages in an act or omission before July 1, 2004, in the
44 person's capacity as:

45 (1) a contractor under IC 6-1.1-4-32 **(repealed)**;

46 (2) an employee acting within the scope of the employee's duties



1 for a contractor under IC 6-1.1-4-32 **(repealed)**;

2 (3) a subcontractor of the contractor under IC 6-1.1-4-32
3 **(repealed)** that is acting within the scope of the subcontractor's
4 duties; or

5 (4) an employee of a subcontractor described in subdivision (3)
6 that is acting within the scope of the employee's duties.

7 SECTION 176. IC 34-51-3-6, AS AMENDED BY P.L.105-2006,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 6. (a) Except as provided in IC 13-25-4-10,
10 when a finder of fact announces a verdict that includes a punitive
11 damage award in a civil action, the party against whom the judgment
12 was entered shall notify the office of the attorney general of the
13 punitive damage award.

14 (b) When a punitive damage award is paid, the party against whom
15 the judgment was entered shall pay the punitive damage award to the
16 clerk of the court where the action is pending.

17 (c) Upon receiving the payment described in ~~subsection (a)~~,
18 **subsection (b)**, the clerk of the court shall:

19 (1) pay the person to whom punitive damages were awarded
20 twenty-five percent (25%) of the punitive damage award; and

21 (2) pay the remaining seventy-five percent (75%) of the punitive
22 damage award to the treasurer of state, who shall deposit the
23 funds into the violent crime victims compensation fund
24 established by IC 5-2-6.1-40.

25 (d) The office of the attorney general may negotiate and
26 compromise a punitive damage award described in subsection (c)(2).

27 (e) The state's interest in a punitive damage award described in
28 ~~subsection (b)(2)~~ **subsection (c)(2)** is effective when a finder of fact
29 announces a verdict that includes punitive damages.

30 SECTION 177. IC 35-33-5-5, AS AMENDED BY P.L.1-2006,
31 SECTION 527, AND AS AMENDED BY P.L.151-2006, SECTION
32 14, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) All items of property
34 seized by any law enforcement agency as a result of an arrest, search
35 warrant, or warrantless search, shall be securely held by the law
36 enforcement agency under the order of the court trying the cause,
37 except as provided in this section.

38 (b) Evidence that consists of property obtained unlawfully from its
39 owner may be returned by the law enforcement agency to the owner
40 before trial, in accordance with IC 35-43-4-4(h).

41 (c) Following the final disposition of the cause at trial level or any
42 other final disposition the following shall be done:

43 (1) Property which may be lawfully possessed shall be returned
44 to its rightful owner, if known. If ownership is unknown, a
45 reasonable attempt shall be made by the law enforcement agency
46 holding the property to ascertain ownership of the property. After



ninety (90) days from the time:

(A) the rightful owner has been notified to take possession of the property; or

(B) a reasonable effort has been made to ascertain ownership of the property;

the law enforcement agency holding the property shall, at ~~such time as it is~~ a convenient time, dispose of this property at a public auction. The proceeds of this property shall be paid into the county general fund.

(2) Except as provided in subsection (e), property, the possession of which is unlawful, shall be destroyed by the law enforcement agency holding it sixty (60) days after final disposition of the cause.

(3) A firearm that has been seized from a person who is dangerous (as defined in ~~IC 35-47-13-1~~ IC 35-47-14-1) shall be retained, returned, or disposed of in accordance with ~~IC 35-47-13~~ IC 35-47-14.

(d) If any property described in subsection (c) was admitted into evidence in the cause, the property shall be disposed of in accordance with an order of the court trying the cause.

(e) A law enforcement agency may destroy or cause to be destroyed chemicals, ~~or~~ controlled substances, *or chemically contaminated equipment (including drug paraphernalia as described in IC 35-48-4-8.5)* associated with the illegal manufacture of drugs or controlled substances without a court order if all the following conditions are met:

(1) The law enforcement agency collects and preserves a sufficient quantity of the chemicals, ~~or~~ controlled substances, *or chemically contaminated equipment* to demonstrate that the chemicals, ~~or~~ controlled substances, *were or chemically contaminated equipment was* associated with the illegal manufacture of drugs or controlled substances.

(2) The law enforcement agency takes photographs of the illegal drug manufacturing site that accurately depict the presence and quantity of chemicals, ~~and~~ controlled substances, *and chemically contaminated equipment*.

(3) The law enforcement agency completes a chemical inventory report that describes the type and quantities of chemicals, ~~and~~ controlled substances, *and chemically contaminated equipment* present at the illegal manufacturing site.

The photographs and description of the property shall be admissible into evidence in place of the actual physical evidence.

(f) For purposes of preserving the record of any conviction on appeal, a photograph demonstrating the nature of the property, and an adequate description of the property must be obtained before the disposition of ~~it~~ **the property**. In the event of a retrial, the photograph



and description of the property shall be admissible into evidence in place of the actual physical evidence. All other rules of law governing the admissibility of evidence shall apply to the photographs.

(g) The law enforcement agency disposing of property in any manner provided in subsection (b), (c), or (e) shall maintain certified records of any ~~such~~ disposition *under subsection (b), (c), or (e)*. Disposition by destruction of property shall be witnessed by two (2) persons who shall also attest to the destruction.

(h) This section does not affect the procedure for the disposition of firearms seized by a law enforcement agency.

(i) A law enforcement agency that disposes of property by auction under this section shall permanently stamp or otherwise permanently identify the property as property sold by the law enforcement agency.

(j) Upon motion of the prosecuting attorney, the court shall order property seized under IC 34-24-1 transferred, subject to the perfected liens or other security interests of any person in the property, to the appropriate federal authority for disposition under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted by the United States Department of Justice.

SECTION 178. IC 35-33-8-3.2, AS AMENDED BY P.L.97-2006, SECTION 1, AND AS AMENDED BY P.L.173-2006, SECTION 42, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.2. (a) A court may admit a defendant to bail and impose any of the following conditions to assure the defendant's appearance at any stage of the legal proceedings, or, upon a showing of clear and convincing evidence that the defendant poses a risk of physical danger to another person or the community, to assure the public's physical safety:

(1) Require the defendant to:

(A) execute a bail bond with sufficient solvent sureties;

(B) deposit cash or securities in an amount equal to the bail;

(C) execute a bond secured by real estate in the county, where thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail; ~~or~~

(D) post a real estate bond; *or*

(E) *perform any combination of the requirements described in clauses (A) through (D).*

If the court requires the defendant to deposit cash or cash and another form of security as bail, the court may require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay publicly paid costs of representation and fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted. The defendant must also pay the fee required by subsection (d).

(2) Require the defendant to execute:



(A) a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail; ~~if the defendant is convicted, and~~

(B) an agreement that allows the court ~~may~~ to retain all or a part of the cash or securities to pay fines, costs, fees, and restitution ~~if ordered by~~ that the court may order the defendant to pay if the defendant is convicted.

A portion of the deposit, not to exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee. The clerk shall also retain from the deposit under this subdivision ~~the following:~~

~~(A)~~ fines, costs, fees, and restitution as ordered by the court, ~~(B)~~ publicly paid costs of representation that shall be disposed of in accordance with subsection (b), ~~and the fee required by subsection (d).~~

~~(C)~~ In the event of the posting of a real estate bond, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution.

~~(D) The fee required by subsection (d).~~

The individual posting bail for the defendant or the defendant admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited under section 7 of this chapter or retained under subsection (b).

(3) Impose reasonable restrictions on the activities, movements, associations, and residence of the defendant during the period of release.

(4) Require the defendant to refrain from any direct or indirect contact with an individual.

(5) Place the defendant under the reasonable supervision of a probation officer, *pretrial services agency*, or other appropriate public official. *If the court places the defendant under the supervision of a probation officer or pretrial services agency, the court shall determine whether the defendant must pay the pretrial services fee under section 3.3 of this chapter.*

(6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.

(7) Release the defendant on personal recognizance unless:

(A) the state presents evidence relevant to a risk by the



- 1 defendant:
- 2 (i) of nonappearance; or
- 3 (ii) to the physical safety of the public; and
- 4 (B) the court finds by a preponderance of the evidence that the
- 5 risk exists.
- 6 (8) Impose any other reasonable restrictions designed to assure
- 7 the defendant's presence in court or the physical safety of another
- 8 person or the community.
- 9 (b) Within thirty (30) days after disposition of the charges against
- 10 the defendant, the court that admitted the defendant to bail shall order
- 11 the clerk to remit the amount of the deposit remaining under subsection
- 12 (a)(2) to the defendant. The portion of the deposit that is not remitted
- 13 to the defendant shall be deposited by the clerk in the supplemental
- 14 public defender services fund established under IC 33-40-3.
- 15 (c) For purposes of subsection (b), "disposition" occurs when the
- 16 indictment or information is dismissed or the defendant is acquitted or
- 17 convicted of the charges.
- 18 (d) Except as provided in subsection (e), the clerk of the court shall:
- 19 (1) collect a fee of five dollars (\$5) from each bond or deposit
- 20 required under subsection (a)(1); and
- 21 (2) retain a fee of five dollars (\$5) from each deposit under
- 22 subsection (a)(2).
- 23 The clerk of the court shall semiannually remit the fees collected under
- 24 this subsection to the board of trustees of the public employees'
- 25 retirement fund for deposit in the special death benefit fund. The fee
- 26 required by subdivision (2) is in addition to the administrative fee
- 27 retained under subsection (a)(2).
- 28 (e) With the approval of the clerk of the court, the county sheriff
- 29 may collect the bail posted under this section. The county sheriff shall
- 30 remit the bail to the clerk of the court by the following business day
- 31 and remit monthly the five dollar (\$5) special death benefit fee to the
- 32 county auditor.
- 33 (f) When a court imposes a condition of bail described in subsection
- 34 (a)(4):
- 35 (1) the clerk of the court shall comply with IC 5-2-9; and
- 36 (2) the prosecuting attorney shall file a confidential form
- 37 prescribed or approved by the division of state court
- 38 administration with the clerk.
- 39 SECTION 179. IC 35-38-2-2.3, AS AMENDED BY P.L.60-2006,
- 40 SECTION 9, AND AS AMENDED BY P.L.140-2006, SECTION 24
- 41 AND P.L.173-2006, SECTION 24, IS CORRECTED AND
- 42 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
- 43 PASSAGE]: Sec. 2.3. (a) As a condition of probation, the court may
- 44 require a person to do a combination of the following:
- 45 (1) Work faithfully at suitable employment or faithfully pursue a
- 46 course of study or vocational training that will equip the person



- 1 for suitable employment.
- 2 (2) Undergo available medical or psychiatric treatment and
- 3 remain in a specified institution if required for that purpose.
- 4 (3) Attend or reside in a facility established for the instruction,
- 5 recreation, or residence of persons on probation.
- 6 (4) Support the person's dependents and meet other family
- 7 responsibilities.
- 8 (5) Make restitution or reparation to the victim of the crime for
- 9 damage or injury that was sustained by the victim. When
- 10 restitution or reparation is a condition of probation, the court shall
- 11 fix the amount, which may not exceed an amount the person can
- 12 or will be able to pay, and shall fix the manner of performance.
- 13 (6) Execute a repayment agreement with the appropriate
- 14 governmental entity to repay the full amount of public relief or
- 15 assistance wrongfully received, and make repayments according
- 16 to a repayment schedule set out in the agreement.
- 17 (7) Pay a fine authorized by IC 35-50.
- 18 (8) Refrain from possessing a firearm or other deadly weapon
- 19 unless granted written permission by the court or the person's
- 20 probation officer.
- 21 (9) Report to a probation officer at reasonable times as directed
- 22 by the court or the probation officer.
- 23 (10) Permit the person's probation officer to visit the person at
- 24 reasonable times at the person's home or elsewhere.
- 25 (11) Remain within the jurisdiction of the court, unless granted
- 26 permission to leave by the court or by the person's probation
- 27 officer.
- 28 (12) Answer all reasonable inquiries by the court or the person's
- 29 probation officer and promptly notify the court or probation
- 30 officer of any change in address or employment.
- 31 (13) Perform uncompensated work that benefits the community.
- 32 (14) Satisfy other conditions reasonably related to the person's
- 33 rehabilitation.
- 34 (15) Undergo home detention under IC 35-38-2.5.
- 35 (16) Undergo a laboratory test or series of tests approved by the
- 36 state department of health to detect and confirm the presence of
- 37 the human immunodeficiency virus (HIV) antigen or antibodies
- 38 to the human immunodeficiency virus (HIV), if:
- 39 (A) the person had been convicted of a sex crime listed in
- 40 IC 35-38-1-7.1(e) and the crime created an epidemiologically
- 41 demonstrated risk of transmission of the human
- 42 immunodeficiency virus (HIV) as described in
- 43 IC 35-38-1-7.1(b)(8); or
- 44 (B) the person had been convicted of an offense related to a
- 45 controlled substance listed in IC 35-38-1-7.1(f) and the offense
- 46 involved the conditions described in IC 35-38-1-7.1(b)(9)(A).



(17) Refrain from any direct or indirect contact with an individual.

(18) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

(19) Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(20) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(21) Refrain from owning, harboring, or training an animal.

(22) *Participate in a reentry court program.*

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term



of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

- (1) the term of imprisonment;
- (2) the days or parts of days during which a person is to be confined; and
- (3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection (a)(17):

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

- (1) convicted of an offense described in IC 10-13-6-10;*
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and*
- (3) whose sentence does not involve a commitment to the department of correction;*

to provide a DNA sample as a condition of probation.

SECTION 180. IC 35-38-2.5-6, AS AMENDED BY P.L.140-2006, SECTION 28 AND P.L.173-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. An order for home detention of an offender under section 5 of this chapter must include the following:

- (1) A requirement that the offender be confined to the offender's home at all times except when the offender is:
 - (A) working at employment approved by the court or traveling to or from approved employment;
 - (B) unemployed and seeking employment approved for the offender by the court;
 - (C) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the offender by the court;
 - (D) attending an educational institution or a program approved for the offender by the court;
 - (E) attending a regularly scheduled religious service at a place of worship; or
 - (F) participating in a community work release or community restitution or service program approved for the offender by the court.
- (2) Notice to the offender that violation of the order for home



detention may subject the offender to prosecution for the crime of escape under IC 35-44-3-5.

(3) A requirement that the offender abide by a schedule prepared by the probation department, or by a community corrections program ordered to provide supervision of the offender's home detention, specifically setting forth the times when the offender may be absent from the offender's home and the locations the offender is allowed to be during the scheduled absences.

(4) A requirement that the offender is not to commit another crime during the period of home detention ordered by the court.

(5) A requirement that the offender obtain approval from the probation department or from a community corrections program ordered to provide supervision of the offender's home detention before the offender changes residence or the schedule described in subdivision (3).

(6) A requirement that the offender maintain:

(A) a working telephone in the offender's home; and

(B) if ordered by the court, a monitoring device in the offender's home or on the offender's person, or both.

(7) A requirement that the offender pay a home detention fee set by the court in addition to the probation user's fee required under IC 35-38-2-1 or IC 31-40. However, the fee set under this subdivision may not exceed the maximum fee specified by the department of correction under IC 11-12-2-12.

(8) A requirement that the offender abide by other conditions of probation set by the court under IC 35-38-2-2.3.

(9) A requirement that an offender:

~~(1)~~ (A) who is convicted of an offense described in IC 10-13-6-10;

~~(2)~~ (B) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

~~(3)~~ (C) whose sentence does not involve a commitment to the department of correction; provide a DNA sample.

SECTION 181. IC 35-41-1-17, AS AMENDED BY P.L.1-2006, SECTION 530, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) "Law enforcement officer" means:

(1) a police officer, sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, or the inspector general;

(2) a deputy of any of those persons;

(3) an investigator for a prosecuting attorney or for the inspector general;

(4) a conservation officer; or

(5) an enforcement officer of the alcohol and tobacco



1 commission.

2 (b) "Federal enforcement officer" means any of the following:

- 3 (1) A Federal Bureau of Investigation special agent.
- 4 (2) A United States Marshals Service marshal or deputy.
- 5 (3) A United States Secret Service special agent.
- 6 (4) A United States Fish and Wildlife Service special agent.
- 7 (5) A United States Drug Enforcement Agency agent.
- 8 (6) A Bureau of Alcohol, Tobacco, Firearms and Explosives
- 9 agent.
- 10 (7) A United States Forest Service law enforcement officer.
- 11 (8) A United States Department of Defense police officer or
- 12 criminal investigator.
- 13 (9) A United States Customs Service agent.
- 14 (10) A United States Postal Service investigator.
- 15 (11) A National Park Service law enforcement commissioned
- 16 ranger.
- 17 (12) United States Department of Agriculture, Office of Inspector
- 18 General special agent.
- 19 (13) A United States ~~Immigration and Naturalization Service~~
- 20 **Citizenship and Immigration Services** special agent.
- 21 (14) An individual who is:
- 22 (A) an employee of a federal agency; and
- 23 (B) authorized to make arrests and carry a firearm in the
- 24 performance of the individual's official duties.

25 SECTION 182. IC 35-42-1-1, AS AMENDED BY P.L.151-2006,
 26 SECTION 16, AND AS AMENDED BY P.L.173-2006, SECTION 51,
 27 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE UPON PASSAGE]: Sec. 1. A person who:

- 29 (1) knowingly or intentionally kills another human being;
- 30 (2) kills another human being while committing or attempting to
- 31 commit arson, burglary, child molesting, consumer product
- 32 tampering, criminal deviate conduct, kidnapping, rape, robbery,
- 33 *human trafficking, promotion of human trafficking, sexual*
- 34 *trafficking of a minor*, or carjacking;
- 35 (3) kills another human being while committing or attempting to
- 36 commit:
- 37 (A) dealing in or manufacturing cocaine or a narcotic drug
- 38 (IC 35-48-4-1);
- 39 (B) dealing in *or manufacturing* methamphetamine
- 40 (IC 35-48-4-1.1);
- 41 (C) dealing in a schedule I, II, or III controlled substance
- 42 (IC 35-48-4-2);
- 43 (D) dealing in a schedule IV controlled substance
- 44 (IC 35-48-4-3); or
- 45 (E) dealing in a schedule V controlled substance; or
- 46 (4) knowingly or intentionally kills a fetus that has attained



1 viability (as defined in IC 16-18-2-365);
 2 commits murder, a felony.

3 SECTION 183. IC 35-42-4-10, AS ADDED BY P.L.6-2006,
 4 SECTION 3, AND AS ADDED BY P.L.140-2006, SECTION 31 AND
 5 P.L.173-2006, SECTION 31, IS CORRECTED AND AMENDED TO
 6 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a)
 7 As used in this section, "sexually violent predator" *has the meaning set*
 8 *forth in means a person who is a sexually violent predator under*
 9 IC 35-38-1-7.5.

10 (b) A sexually violent predator who knowingly or intentionally
 11 works for compensation or as a volunteer:

- 12 (1) on school property;
- 13 (2) at a youth program center; or
- 14 (3) at a public park;

15 commits unlawful employment near children by a sexual predator, a
 16 Class D felony. However, the offense is a Class C felony if the person
 17 has a prior unrelated conviction based on the person's failure to comply
 18 with any requirement imposed on an offender under this chapter.

19 SECTION 184. IC 35-44-3-13, AS ADDED BY P.L.139-2006,
 20 SECTION 5, AND AS ADDED BY P.L.140-2006, SECTION 34 AND
 21 P.L.173-2006, SECTION 35, IS CORRECTED AND AMENDED TO
 22 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a)
 23 A person who is being supervised on lifetime parole (as described in
 24 IC 35-50-6-1) and who knowingly or intentionally violates a condition
 25 of lifetime parole that involves direct or indirect contact with a child
 26 less than sixteen (16) years of age or with the victim of a sex crime
 27 described in ~~IC 5-2-12-4~~ IC 11-8-8-5 that was committed by the person
 28 commits a Class D felony if, at the time of the violation:

- 29 (1) the person's lifetime parole has been revoked two (2) or more
 30 times; or
- 31 (2) the person has completed the person's sentence, including any
 32 credit time the person may have earned.

33 (b) The offense described in subsection (a) is a Class C felony if the
 34 person has a prior unrelated conviction under this section.

35 SECTION 185. IC 35-45-6-1, AS AMENDED BY P.L.151-2006,
 36 SECTION 17, AND AS AMENDED BY P.L.173-2006, SECTION 53,
 37 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

39 "Documentary material" means any document, drawing, photograph,
 40 recording, or other tangible item containing compiled data from which
 41 information can be either obtained or translated into a usable form.

42 "Enterprise" means:

- 43 (1) a sole proprietorship, corporation, limited liability company,
 44 partnership, business trust, or governmental entity; or
- 45 (2) a union, an association, or a group, whether a legal entity or
 46 merely associated in fact.



"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

"Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-2-1, or of a rule or order issued under IC 23-2-1.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) *Human and sexual trafficking crimes (IC 35-42-3.5).*
- ~~(8)~~ (9) Child exploitation (IC 35-42-4-4).
- ~~(9)~~ (10) Robbery (IC 35-42-5-1).
- ~~(10)~~ (11) Carjacking (IC 35-42-5-2).
- ~~(11)~~ (12) Arson (IC 35-43-1-1).
- ~~(12)~~ (13) Burglary (IC 35-43-2-1).
- ~~(13)~~ (14) Theft (IC 35-43-4-2).
- ~~(14)~~ (15) Receiving stolen property (IC 35-43-4-2).
- ~~(15)~~ (16) Forgery (IC 35-43-5-2).
- ~~(16)~~ (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).
- ~~(17)~~ (18) Bribery (IC 35-44-1-1).
- ~~(18)~~ (19) Official misconduct (IC 35-44-1-2).
- ~~(19)~~ (20) Conflict of interest (IC 35-44-1-3).
- ~~(20)~~ (21) Perjury (IC 35-44-2-1).
- ~~(21)~~ (22) Obstruction of justice (IC 35-44-3-4).
- ~~(22)~~ (23) Intimidation (IC 35-45-2-1).
- ~~(23)~~ (24) Promoting prostitution (IC 35-45-4-4).
- ~~(24)~~ (25) Promoting professional gambling (IC 35-45-5-4).
- ~~(25)~~ (26) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- ~~(26)~~ (27) Dealing in *or manufacturing* methamphetamine (IC 35-48-4-1.1).
- ~~(27)~~ (28) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- ~~(28)~~ (29) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- ~~(29)~~ (30) Dealing in a schedule V controlled substance



(IC 35-48-4-4).

~~(30)~~ (31) Dealing in marijuana, hash oil, or hashish
(IC 35-48-4-10).

~~(31)~~ (32) Money laundering (IC 35-45-15-5).

~~(32)~~ (33) A violation of IC 35-47.5-5.

SECTION 186. IC 35-50-2-2, AS AMENDED BY P.L.151-2006,
SECTION 28, AND AS AMENDED BY P.L.140-2006, SECTION 36
AND P.L.173-2006, SECTION 36, IS CORRECTED AND
AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
PASSAGE]: Sec. 2. (a) The court may suspend any part of a sentence
for a felony, except as provided in this section or in section 2.1 of this
chapter.

(b) With respect to the following crimes listed in this subsection, the
court may suspend only that part of the sentence that is in excess of the
minimum sentence, unless the court has approved placement of the
offender in a forensic diversion program under IC 11-12-3.7:

(1) The crime committed was a Class A or Class B felony and the
person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven
(7) years have elapsed between the date the person was
discharged from probation, imprisonment, or parole, whichever
is later, for a prior unrelated felony conviction and the date the
person committed the Class C felony for which the person is
being sentenced.

(3) The crime committed was a Class D felony and less than three
(3) years have elapsed between the date the person was
discharged from probation, imprisonment, or parole, whichever
is later, for a prior unrelated felony conviction and the date the
person committed the Class D felony for which the person is
being sentenced. However, the court may suspend the minimum
sentence for the crime only if the court orders home detention
under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum
sentence specified for the crime under this chapter.

(4) The felony committed was:

(A) murder (IC 35-42-1-1);

(B) battery (IC 35-42-2-1) with a deadly weapon or battery
causing death;

(C) sexual battery (IC 35-42-4-8) with a deadly weapon;

(D) kidnapping (IC 35-42-3-2);

(E) confinement (IC 35-42-3-3) with a deadly weapon;

(F) rape (IC 35-42-4-1) as a Class A felony;

(G) criminal deviate conduct (IC 35-42-4-2) as a Class A
felony;

(H) child molesting (IC 35-42-4-3) as a Class A or Class B
felony;

(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or



- 1 with a deadly weapon;
- 2 (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily
- 3 injury;
- 4 (K) burglary (IC 35-43-2-1) resulting in serious bodily injury
- 5 or with a deadly weapon;
- 6 (L) resisting law enforcement (IC 35-44-3-3) with a deadly
- 7 weapon;
- 8 (M) escape (IC 35-44-3-5) with a deadly weapon;
- 9 (N) rioting (IC 35-45-1-2) with a deadly weapon;
- 10 (O) dealing in cocaine *or* a narcotic drug ~~*or methamphetamine*~~
- 11 (IC 35-48-4-1) if the court finds the person possessed a firearm
- 12 (as defined in IC 35-47-1-5) at the time of the offense, or the
- 13 person delivered or intended to deliver to a person under
- 14 eighteen (18) years of age at least three (3) years junior to the
- 15 person and was on a school bus or within one thousand (1,000)
- 16 feet of:
 - 17 (i) school property;
 - 18 (ii) a public park;
 - 19 (iii) a family housing complex; or
 - 20 (iv) a youth program center;
- 21 *(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court*
- 22 *finds the person possessed a firearm (as defined in*
- 23 *IC 35-47-1-5) at the time of the offense, or the person*
- 24 *delivered or intended to deliver the methamphetamine pure or*
- 25 *adulterated to a person under eighteen (18) years of age at*
- 26 *least three (3) years junior to the person and was on a school*
- 27 *bus or within one thousand (1,000) feet of:*
 - 28 *(i) school property;*
 - 29 *(ii) a public park;*
 - 30 *(iii) a family housing complex; or*
 - 31 *(iv) a youth program center;*
- 32 ~~(P)~~ (Q) dealing in a schedule I, II, or III controlled substance
- 33 (IC 35-48-4-2) if the court finds the person possessed a firearm
- 34 (as defined in IC 35-47-1-5) at the time of the offense, or the
- 35 person delivered or intended to deliver to a person under
- 36 eighteen (18) years of age at least three (3) years junior to the
- 37 person and was on a school bus or within one thousand (1,000)
- 38 feet of:
 - 39 (i) school property;
 - 40 (ii) a public park;
 - 41 (iii) a family housing complex; or
 - 42 (iv) a youth program center;
- 43 ~~(Q)~~ (R) an offense under IC 9-30-5 (operating a vehicle while
- 44 intoxicated) and the person who committed the offense has
- 45 accumulated at least two (2) prior unrelated convictions under
- 46 IC 9-30-5;



~~(R)~~ (S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or
~~(S)~~ (T) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~an~~ a sex offender's (as defined in ~~IC 5-2-12-4~~) IC 11-8-8-5) sentence that is suspendible under subsection (b), the court shall place the sex offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) or IC 35-48-4-6.1(b)(1)(B) may not be suspended.

SECTION 187. IC 35-50-6-1, AS AMENDED BY P.L.139-2006, SECTION 6, AND AS AMENDED BY P.L.140-2006, SECTION 38 AND P.L.173-2006, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if the sentence included a period of probation.

(b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of release until the person's fixed term expires, unless the person's parole is revoked or the person is discharged from that term by the parole board. In any event, if the person's parole is not revoked, the parole board shall discharge the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.



(c) A person whose parole is revoked shall be imprisoned for all or part of the remainder of the person's fixed term. However, the person shall again be released on parole when the person completes that remainder, less the credit time the person has earned since the revocation. The parole board may reinstate the person on parole at any time after the revocation.

(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:
 - (A) at least as stringent; and
 - (B) at least as effective;
 as supervision by the parole board.



(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

SECTION 188. IC 36-1-8-5, AS AMENDED BY P.L.169-2006, SECTION 46, AND AS AMENDED BY P.L.2-2006, SECTION 185, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township. ~~but~~ However, if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) *If there is:*

(1) *an unexpended balance in the debt service fund of any school township; and*

(2) *no outstanding bonded or other indebtedness of the school township to the payment of which the unexpended balance or any*



1 *part of the unexpended balance can be legally applied;*
 2 *the township trustee of the township, with the approval of the township*
 3 *board, may transfer the unexpended balance in the debt service fund*
 4 *to the school general fund of the school township.*

5 *(e) Whenever any township has collected any fund for the special*
 6 *or specific purpose of erecting or constructing a school building and*
 7 *the township trustee of the township decides to abandon the proposed*
 8 *work of erecting or constructing the school building, the township*
 9 *trustee of the township shall transfer the fund collected for the special*
 10 *or specific purpose to the township fund of the township, upon the*
 11 *order of the township board to make the transfer. It is lawful thereafter*
 12 *to use the funds for any purpose for which the township funds of the*
 13 *township may be used.*

14 ~~(d) (f) Transfers to a political subdivision's rainy day fund *must* may~~
 15 ~~be made *after the last day of* at any time during the political~~
 16 ~~subdivision's fiscal year. *and before March 1 of the subsequent*~~
 17 ~~*calendar year.*~~

18 SECTION 189. IC 36-1-12-14, AS AMENDED BY P.L.120-2006,
 19 SECTION 5, AND AS AMENDED BY P.L.2-2006, SECTION 189, IS
 20 CORRECTED AND AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section applies to
 22 public work contracts in excess of one hundred thousand dollars
 23 (\$100,000) for projects other than highways, roads, streets, alleys,
 24 bridges, and appurtenant structures situated on streets, alleys, and
 25 dedicated highway rights-of-way. This section also applies to a lessor
 26 corporation qualifying under ~~IC 21-5-11~~ IC 20-47-2 or ~~IC 21-5-12~~
 27 IC 20-47-3 or any other lease-back arrangement containing an option
 28 to purchase, notwithstanding the statutory provisions governing those
 29 leases.

30 (b) A board that enters into a contract for public work, and a
 31 contractor who subcontracts parts of that contract, shall include in their
 32 respective contracts provisions for the retainage of portions of
 33 payments by the board to contractors, by contractors to subcontractors,
 34 and for the payment of subcontractors. At the discretion of the
 35 contractor, the retainage shall be held by the board or shall be placed
 36 in an escrow account with a bank, savings and loan institution, or the
 37 state as the escrow agent. The escrow agent shall be selected by mutual
 38 agreement between board and contractor or contractor and
 39 subcontractor under a written agreement among the bank or savings
 40 and loan institution and:

- 41 (1) the board and the contractor; or
- 42 (2) the subcontractor and the contractor.

43 The board shall not be required to pay interest on the amounts of
 44 retainage that it holds under this section.

45 (c) To determine the amount of retainage to be withheld, the board
 46 shall:



- 1 (1) withhold no more than ten percent (10%) of the dollar value
 2 of all work satisfactorily completed until the public work is fifty
 3 percent (50%) completed, and nothing further after that; or
 4 (2) withhold no more than five percent (5%) of the dollar value of
 5 all work satisfactorily completed until the public work is
 6 substantially completed.

7 If upon substantial completion of the public work minor items remain
 8 uncompleted, an amount computed under subsection (f) ~~of this section~~
 9 shall be withheld until those items are completed.

10 (d) The escrow agreement must contain the following provisions:

11 (1) The escrow agent shall invest all escrowed principal in
 12 obligations selected by the escrow agent.

13 (2) The escrow agent shall hold the escrowed principal and
 14 income until receipt of notice from the board and the contractor,
 15 or the contractor and the subcontractor, specifying the part of the
 16 escrowed principal to be released from the escrow and the person
 17 to whom that portion is to be released. After receipt of the notice,
 18 the escrow agent shall remit the designated part of escrowed
 19 principal and the same proportion of then escrowed income to the
 20 person specified in the notice.

21 (3) The escrow agent shall be compensated for the agent's
 22 services. The parties may agree on a reasonable fee comparable
 23 with fees being charged for the handling of escrow accounts of
 24 similar size and duration. The fee shall be paid from the escrowed
 25 income.

26 The escrow agreement may include other terms and conditions
 27 consistent with this subsection, including provisions authorizing the
 28 escrow agent to commingle the escrowed funds with funds held in
 29 other escrow accounts and limiting the liability of the escrow agent.

30 (e) *Except as provided by subsection (i)*, the contractor shall furnish
 31 the board with a performance bond equal to the contract price. If
 32 acceptable to the board, the performance bond may provide for
 33 incremental bonding in the form of multiple or chronological bonds
 34 that, when taken as a whole, equal the contract price. The surety on the
 35 performance bond may not be released until one (1) year after the date
 36 of the board's final settlement with the contractor. The performance
 37 bond must specify that:

38 (1) a modification, omission, or addition to the terms and
 39 conditions of the public work contract, plans, specifications,
 40 drawings, or profile;

41 (2) a defect in the public work contract; or

42 (3) a defect in the proceedings preliminary to the letting and
 43 awarding of the public work contract;

44 does not discharge the surety.

45 (f) The board or escrow agent shall pay the contractor within
 46 sixty-one (61) days after the date of substantial completion, subject to



sections 11 and 12 of this chapter. Payment by the escrow agent shall include all escrowed principal and escrowed income. If within sixty-one (61) days after the date of substantial completion there remain uncompleted minor items, an amount equal to two hundred percent (200%) of the value of each item as determined by the architect-engineer shall be withheld until the item is completed. Required warranties begin not later than the date of substantial completion.

(g) Actions against a surety on a performance bond must be brought within one (1) year after the date of the board's final settlement with the contractor.

(h) This subsection applies to public work contracts of less than two hundred fifty thousand dollars (\$250,000). The board may waive the performance bond requirement of subsection (e) and accept from a contractor an irrevocable letter of credit for an equivalent amount from an Indiana financial institution approved by the department of financial institutions instead of a performance bond. Subsections (e) through (g) apply to a letter of credit submitted under this subsection.

(i) This subsection applies to the Indiana stadium and convention building authority created by IC 5-1-17-6. The board awarding the contract for a capital improvement project may waive any performance bond requirement if the board, after public notice and hearing, determines:

(1) that:

(A) an otherwise responsive and responsible bidder is unable to provide the performance bond; or

(B) the cost or coverage of the performance bond is not in the best interest of the project; and

(2) that an adequate alternative is provided through a letter of credit, additional retainage of at least ten percent (10%) of the contract amount, a joint payable check system, or other sufficient protective mechanism.

SECTION 190. IC 36-2-14-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) As used in this section, "health records" means written, electronic, or printed information possessed by a provider concerning any diagnosis, treatment, or prognosis of the patient. The term includes mental health records, alcohol and drug abuse records, and emergency ambulance service records.

(b) As used in this section, "provider" has the meaning set forth in ~~IC 16-18-2-295(a)~~ **IC 16-18-2-295(b)**.

(c) As part of a medical examination or autopsy conducted under this chapter, a coroner may obtain a copy of the decedent's health records.

(d) Except as provided in subsection (e), health records obtained under this section are confidential.



(e) The coroner may provide the health records of a decedent that were obtained under this section to a prosecuting attorney or law enforcement agency that is investigating the individual's death. Health records received from a coroner under this subsection are confidential.

(f) A person who receives confidential records or information under this section and knowingly or intentionally discloses the records or information to an unauthorized person commits a Class A misdemeanor.

SECTION 191. IC 36-8-8-13.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.8. (a) This section applies to an active or retired member who dies other than in the line of duty (as defined in section 14.1 of this chapter) after August 31, 1982.

(b) If a fund member dies while receiving retirement or disability benefits, the following apply:

(1) Except as otherwise provided in this subsection, each of the member's surviving children is entitled to a monthly benefit equal to twenty percent (20%) of the fund member's monthly benefit:

(A) until the child becomes eighteen (18) years of age; or

(B) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university;

whichever period is longer. However, if the board finds upon the submission of satisfactory proof that a child who is at least eighteen (18) years of age is mentally or physically incapacitated, is not a ward of the state, and is not receiving a benefit under clause (B), the child is entitled to receive an amount each month that is equal to the greater of thirty percent (30%) of the monthly pay of a first class patrolman or first class firefighter or fifty-five percent (55%) of the monthly benefit the deceased member was receiving or was entitled to receive on the date of the member's death as long as the mental or physical incapacity of the child continues. Benefits paid for a child shall be paid to the surviving parent as long as the child resides with and is supported by the surviving parent. If the surviving parent dies, the benefits shall be paid to the legal guardian of the child.

(2) The member's surviving spouse is entitled to a monthly benefit equal to sixty percent (60%) of the fund member's monthly benefit during the spouse's lifetime. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

If a fund member dies while receiving retirement or disability benefits, there is no surviving eligible child or spouse, and there is proof satisfactory to the local board, subject to review in the manner



1 specified in section ~~13.1(b)~~ **13.1(c)** of this chapter, that the parent was
 2 wholly dependent on the fund member, the member's surviving parent
 3 is entitled, or both surviving parents if qualified are entitled jointly, to
 4 receive fifty percent (50%) of the fund member's monthly benefit
 5 during the parent's or parents' lifetime.

6 (c) Except as otherwise provided in this subsection, if a fund
 7 member dies while on active duty or while retired and not receiving
 8 benefits, the member's children and the member's spouse, or the
 9 member's parent or parents are entitled to receive a monthly benefit
 10 determined under subsection (b). If the fund member did not have at
 11 least twenty (20) years of service or was not at least fifty-two (52) years
 12 of age, the benefit is computed as if the member:

13 (1) did have twenty (20) years of service; and

14 (2) was fifty-two (52) years of age.

15 SECTION 192. IC 36-8-8-13.9 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.9. (a) This
 17 section applies to an active member who died in the line of duty (as
 18 defined in section 14.1 of this chapter) before September 1, 1982.

19 (b) Except as otherwise provided in this subsection, if a fund
 20 member dies in the line of duty, the following apply:

21 (1) Each of the member's surviving children is entitled to a
 22 monthly benefit equal to twenty percent (20%) of the fund
 23 member's monthly benefit:

24 (A) until the child becomes eighteen (18) years of age; or

25 (B) until the child becomes twenty-three (23) years of age if
 26 the child is enrolled in and regularly attending a secondary
 27 school or is a full-time student at an accredited college or
 28 university;

29 whichever period is longer. However, if the board finds upon the
 30 submission of satisfactory proof that a child who is at least
 31 eighteen (18) years of age is mentally or physically incapacitated,
 32 is not a ward of the state, and is not receiving a benefit under
 33 clause (B), the child is entitled to receive an amount each month
 34 that is equal to the greater of thirty percent (30%) of the monthly
 35 pay of a first class patrolman or first class firefighter or fifty-five
 36 percent (55%) of the monthly benefit the deceased member was
 37 receiving or was entitled to receive on the date of the member's
 38 death as long as the mental or physical incapacity of the child
 39 continues. Benefits paid for a child shall be paid to the surviving
 40 parent as long as the child resides with and is supported by the
 41 surviving parent. If the surviving parent dies, the benefits shall be
 42 paid to the legal guardian of the child.

43 (2) The member's surviving spouse is entitled to a monthly benefit
 44 equal to sixty percent (60%) of the fund member's monthly
 45 benefit during the spouse's lifetime. If the spouse remarried before
 46 September 1, 1983, and benefits ceased on the date of remarriage,



the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

If there is no surviving eligible child or spouse, and there is proof satisfactory to the local board, subject to review in the manner specified in section ~~13.1(b)~~ **13.1(c)** of this chapter, that the parent was wholly dependent on the fund member, the member's surviving parent is entitled, or both surviving parents if qualified are entitled jointly, to receive fifty percent (50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(c) If the fund member did not have at least twenty (20) years of service or was not at least fifty-two (52) years of age, the benefit under subsection (b) is computed as if the member:

- (1) did have twenty (20) years of service; and
- (2) was fifty-two (52) years of age.

(d) The unit of local government that employed the deceased member shall after December 31, 2003, offer to provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

- (1) until the child becomes eighteen (18) years of age;
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or
- (3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members. The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for coverage under subdivision (1), (2), or (3).

SECTION 193. IC 36-8-8-14.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.1. (a) Benefits paid under this section are subject to section 2.5 of this chapter.

(b) This section applies to an active member who dies in the line of duty after August 31, 1982.

(c) If a fund member dies in the line of duty after August 31, 1982, the member's surviving spouse is entitled to a monthly benefit during the spouse's lifetime, equal to the benefit to which the member would have been entitled on the date of the member's death, but not less than the benefit payable to a member with twenty (20) years service at fifty-two (52) years of age. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

(d) If a fund member dies in the line of duty, each of the member's



surviving children is entitled to a monthly benefit equal to twenty percent (20%) of the fund member's monthly benefit:

- (1) until the child reaches eighteen (18) years of age; or
- (2) until the child reaches twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university;

whichever period is longer. However, if the board finds upon the submission of satisfactory proof that a child who is at least eighteen (18) years of age is mentally or physically incapacitated, is not a ward of the state, and is not receiving a benefit under subdivision (2), the child is entitled to receive an amount each month that is equal to the greater of thirty percent (30%) of the monthly pay of a first class patrolman or first class firefighter or fifty-five percent (55%) of the monthly benefit the deceased member was receiving or was entitled to receive on the date of the member's death as long as the mental or physical incapacity of the child continues. Benefits paid for a child shall be paid to the surviving parent as long as the child resides with and is supported by the surviving parent. If the surviving parent dies, the benefits shall be paid to the legal guardian of the child.

(e) If there is no surviving eligible child or spouse, and there is proof satisfactory to the local board, subject to review in the manner specified in section ~~13.1(b)~~ **13.1(c)** of this chapter, that the parent was wholly dependent on the fund member, the member's surviving parent is entitled, or both surviving parents if qualified are entitled jointly, to receive fifty percent (50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(f) If the fund member did not have at least twenty (20) years of service or was not at least fifty-two (52) years old, the benefit is computed as if the member:

- (1) did have twenty (20) years of service; and
- (2) was fifty-two (52) years of age.

(g) For purposes of this section, "dies in the line of duty" means death that occurs as a direct result of personal injury or illness caused by incident, accident, or violence that results from:

- (1) any action that the member, in the member's capacity as a police officer:
 - (A) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or
 - (B) performs in the course of controlling or reducing crime or enforcing the criminal law; or
- (2) any action that the member, in the member's capacity as a firefighter:
 - (A) is obligated or authorized by rule, regulation, condition of employment or service, or law to perform; or
 - (B) performs while on the scene of an emergency run (including false alarms) or on the way to or from the scene.



The term includes a death presumed incurred in the line of duty under IC 5-10-13.

(h) The unit of local government that employed the deceased member shall after December 31, 2003, offer to provide and pay for health insurance coverage for the member's surviving spouse and for each natural child, stepchild, or adopted child of the member:

- (1) until the child becomes eighteen (18) years of age;
- (2) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university; or
- (3) during the entire period of the child's physical or mental disability;

whichever period is longest. If health insurance coverage is offered by the unit to active members, the health insurance provided to a surviving spouse and child under this subsection must be equal in coverage to that offered to active members. The offer to provide and pay for health insurance coverage shall remain open for as long as there is a surviving spouse or as long as a natural child, stepchild, or adopted child of the member is eligible for coverage under subdivision (1), (2), or (3).

SECTION 194. IC 36-9-3-5, AS AMENDED BY P.L.1-2006, SECTION 584, AND AS AMENDED BY P.L.169-2006, SECTION 79, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

- (1) two (2) members appointed by the executive of each county in the authority;
- (2) one (1) member appointed by the executive of the largest municipality in each county in the authority;
- (3) one (1) member appointed by the executive of each second class city in a county in the authority; and
- (4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

- (1) Two (2) members appointed by the executive of the county having the consolidated city.
- (2) One (1) member appointed by the board of commissioners of the county having the consolidated city.
- (3) One (1) member appointed by the executive of each other county in the authority.
- (4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.
- (5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a



1 county containing a consolidated city. The member shall be
2 appointed by the executives of the municipalities acting jointly.

3 (6) One (1) member representing the excluded cities located in a
4 county containing a consolidated city that are members of the
5 authority. The member shall be appointed by the executives of the
6 excluded cities acting jointly.

7 (7) One (1) member of a labor organization representing
8 employees of the authority who provide public transportation
9 services within the geographic jurisdiction of the authority. The
10 labor organization shall appoint the member.

11 (c) An authority that includes a county having a population of more
12 than four hundred thousand (400,000) but less than seven hundred
13 thousand (700,000) is under the control of a board consisting of the
14 following ~~nineteen (19)~~ *twenty-one (21)* members:

15 (1) Three (3) members appointed by the executive of a city with
16 a population of more than ninety thousand (90,000) but less than
17 one hundred five thousand (105,000).

18 (2) Two (2) members appointed by the executive of a city with a
19 population of more than seventy-five thousand (75,000) but less
20 than ninety thousand (90,000).

21 (3) One (1) member jointly appointed by the executives of the
22 following municipalities located within a county having a
23 population of more than four hundred thousand (400,000) but less
24 than seven hundred thousand (700,000):

25 (A) A city with a population of more than five thousand one
26 hundred thirty-five (5,135) but less than five thousand two
27 hundred (5,200).

28 (B) A city with a population of more than thirty-two thousand
29 (32,000) but less than thirty-two thousand eight hundred
30 (32,800).

31 (4) One (1) member who is jointly appointed by the fiscal body of
32 the following municipalities located within a county with a
33 population of more than four hundred thousand (400,000) but less
34 than seven hundred thousand (700,000):

35 (A) A town with a population of more than fifteen thousand
36 (15,000) but less than twenty thousand (20,000).

37 (B) A town with a population of more than twenty-three
38 thousand (23,000) but less than twenty-four thousand
39 (24,000).

40 (C) A town with a population of more than twenty thousand
41 (20,000) but less than twenty-three thousand (23,000).

42 (5) One (1) member who is jointly appointed by the fiscal body of
43 the following municipalities located within a county with a
44 population of more than four hundred thousand (400,000) but less
45 than seven hundred thousand (700,000):

46 (A) A town with a population of more than eight thousand



- 1 (8,000) but less than nine thousand (9,000).
- 2 (B) A town with a population of more than twenty-four
- 3 thousand (24,000) but less than thirty thousand (30,000).
- 4 (C) A town with a population of more than twelve thousand
- 5 five hundred (12,500) but less than fifteen thousand (15,000).
- 6 (6) One (1) member who is jointly appointed by the following
- 7 authorities of municipalities located in a county having a
- 8 population of more than four hundred thousand (400,000) but less
- 9 than seven hundred thousand (700,000):
- 10 (A) The executive of a city with a population of more than
- 11 nineteen thousand eight hundred (19,800) but less than
- 12 twenty-one thousand (21,000).
- 13 (B) The fiscal body of a town with a population of more than
- 14 nine thousand (9,000) but less than twelve thousand five
- 15 hundred (12,500).
- 16 (C) The fiscal body of a town with a population of more than
- 17 five thousand (5,000) but less than eight thousand (8,000).
- 18 (D) The fiscal body of a town with a population of less than
- 19 one thousand five hundred (1,500).
- 20 (E) The fiscal body of a town with a population of more than
- 21 two thousand two hundred (2,200) but less than five thousand
- 22 (5,000).
- 23 (7) One (1) member appointed by the fiscal body of a town with
- 24 a population of more than thirty thousand (30,000) located within
- 25 a county with a population of more than four hundred thousand
- 26 (400,000) but less than seven hundred thousand (700,000).
- 27 (8) One (1) member who is jointly appointed by the following
- 28 authorities of municipalities that are located within a county with
- 29 a population of more than four hundred thousand (400,000) but
- 30 less than seven hundred thousand (700,000):
- 31 (A) The executive of a city having a population of more than
- 32 twenty-five thousand (25,000) but less than twenty-seven
- 33 thousand (27,000).
- 34 (B) The executive of a city having a population of more than
- 35 thirteen thousand nine hundred (13,900) but less than fourteen
- 36 thousand two hundred (14,200).
- 37 (C) The fiscal body of a town having a population of more
- 38 than one thousand five hundred (1,500) but less than two
- 39 thousand two hundred (2,200).
- 40 (9) Three (3) members appointed by the fiscal body of a county
- 41 with a population of more than four hundred thousand (400,000)
- 42 but less than seven hundred thousand (700,000).
- 43 (10) One (1) member appointed by the county executive of a
- 44 county with a population of more than four hundred thousand
- 45 (400,000) but less than seven hundred thousand (700,000).
- 46 (11) One (1) member of a labor organization representing



employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight thousand (28,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

(A) Chesterton.

(B) Porter.

(C) Burns Harbor.

(D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

(A) Washington Township.

(B) Morgan Township.

(C) Pleasant Township.

(D) Boone Township.

(E) Union Township.

(F) Porter Township.

(G) Jackson Township.

(H) Liberty Township.

(I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

SECTION 195. IC 36-9-3-9, AS AMENDED BY P.L.1-2006,



SECTION 585, AND AS AMENDED BY P.L.169-2006, SECTION 80, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in ~~subsections~~ subsection (c), ~~and (d)~~, the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), then:

(1) an affirmative vote of a majority of the board is necessary for an action to be taken; and

(2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

(d) This subsection applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A member described in section 5(c)(12), 5(c)(13), or 5(c)(14) of this chapter may not vote on the distribution or payment of money by the authority unless a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) pays to the authority the county's share of the authority's budget under this chapter and as agreed by the counties participating in the authority.

SECTION 196. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 4-4-31; IC 6-1.1-4-32; IC 6-1.1-4-33; IC 6-1.1-4-34; IC 6-1.1-4-35; IC 6-1.1-4-36; IC 6-1.1-4-37; IC 6-1.1-4-38; IC 6-3.1-22.2; IC 6-6-5-7.9; IC 9-18-15-13; IC 9-24-15-10; IC 12-7-2-104; IC 12-15-11.5-3.1; IC 12-15-11.5-4.2; IC 12-17.2-3.2; IC 13-17-5-6.7; IC 15-1.5-10.5-5; IC 15-8; IC 20-20-21; IC 25-23.2; IC 27-8-5.7-9; IC 27-8-10-2.2; IC 27-8-10-14; IC 27-13-36.2-7; IC 31-9-2-95.5; IC 31-25-4-6; IC 31-25-4-13; IC 31-25-4-14; IC 33-28-3-3; IC 33-29-2-3; IC 33-30-5-1; IC 33-35-3-8; IC 33-37-4-5.

SECTION 197. **An emergency is declared for this act.**

